

## EXHIBIT "3"

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31 REED, and COASTAL PROTECTION  
32 RANGERS, INC.

33

34 **UNITED STATES DISTRICT COURT**  
35 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

36

37 CORY SPENCER, an individual;  
38 DIANA MILENA REED, an  
39 individual; and COASTAL  
40 PROTECTION RANGERS, INC., a  
41 California non-profit public benefit  
42 corporation,

43 CASE NO. 2:16-cv-02129-SJO (RAOx)

44 **PLAINTIFF COREY SPENCER**  
45 **SUPPLEMENTAL RESPONSES TO**  
46 **INTERROGATORIES, SET ONE**  
47 **PROPOUNDED BY DEFENDANT**  
48 **BLAKE BLAKEMAN**

49

50 Case No. 2:16-cv-02129-SJO (RAOx)

51 **PLAINTIFF COREY SPENCER SUPPLEMENTAL RESPONSES TO INTERROGATORIES, SET ONE**  
52 **PROPOUNDED BY DEFENDANT BLAKE BLAKEMAN**

1 Plaintiffs,  
2  
3 v.

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

4 LUNADA BAY BOYS; THE  
5 INDIVIDUAL MEMBERS OF THE  
6 LUNADA BAY BOYS, including but  
7 not limited to SANG LEE, BRANT  
8 BLAKEMAN, ALAN JOHNSTON  
9 AKA JALIAN JOHNSTON,  
10 MICHAEL RAE PAPAYANS,  
11 ANGELO FERRARA, FRANK  
12 FERRARA, CHARLIE FERRARA,  
and N. F.; CITY OF PALOS  
VERDES ESTATES; CHIEF OF  
POLICE JEFF KEPLEY, in his  
representative capacity; and DOES  
1-10.

14 || Defendants.

16 PROPOUNDING PARTY: Defendant BRANT BLAKEMAN  
17 RESPONDING PARTY: Plaintiff CORY SPENCER  
18 SET NO.: SUPPLEMENTAL (FURTHER)  
19 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff  
20 CORY SPENCER (“Responding Party”) hereby submits these objections  
21 and responses to Interrogatories, Set One, propounded by Defendant  
22 BRANT BLAKEMAN (“Propounding Party”).

## PRELIMINARY STATEMENT

24 Nothing in this response should be construed as an admission by  
25 Responding Party with respect to the admissibility or relevance of any fact,  
26 or of the truth or accuracy of any characterization or statement of any kind  
27 contained in Propounding Party's Interrogatories. Responding Party has not  
28 completed its investigation of the facts relating to this case, its discovery or

1 its preparation for trial. All responses and objections contained herein are  
2 based only upon information that is presently available to and specifically  
3 known by Responding Party. It is anticipated that further discovery,  
4 independent investigation, legal research and analysis will supply additional  
5 facts and add meaning to known facts, as well as establish entirely new  
6 factual conclusions and legal contentions, all of which may lead to  
7 substantial additions to, changes in and variations from the responses set  
8 forth herein. The following objections and responses are made without  
9 prejudice to Responding Party's right to produce at trial, or otherwise,  
10 evidence regarding any subsequently discovered information. Responding  
11 Party accordingly reserves the right to modify and amend any and all  
12 responses herein as research is completed and contentions are made.

13 **SUPPLEMENTAL RESPONSES TO INTERROGATORIES**

14 **INTERROGATORY NO. 1:**

15 IDENTIFY ALL PERSONS that have knowledge of any facts that  
16 support your contention that BRANT BLAKEMAN participated in any way in  
17 the "commission of enumerated 'predicate crimes'" as alleged in paragraph  
18 5 of the Complaint, and for each such PERSON identified state all facts you  
19 contend are within that PERSON's knowledge.

20 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

21 Responding Party objects to this interrogatory as premature. Because  
22 this interrogatory seeks or necessarily relies upon a contention, and  
23 because this matter is in its early stages and pretrial discovery has only just  
24 begun, Responding Party is unable to provide a complete response at this  
25 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
26 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
27 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
28 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]

1 interrogatory need not be answered until designated discovery is complete,  
2 or until a pretrial conference or some other time.”).

3        Responding Party further objects to this interrogatory as unduly  
4 burdensome, harassing, and duplicative of information disclosed in  
5 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.  
6 Propounding Party may look to Responding Party’s Rule 26(a) disclosures  
7 and supplemental disclosures for the information sought by this  
8 interrogatory. Moreover, Responding Party had the opportunity to depose  
9 Mr. Spencer on this topic.

10        Responding Party further objects to this interrogatory as compound.  
11 This “interrogatory” contains multiple impermissible subparts, which  
12 Propounding Party has propounded to circumvent the numerical limitations  
13 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

14        Responding Party further objects to this interrogatory on the grounds  
15 that it seeks information that is outside of Responding Party’s knowledge.

16        Responding Party further objects to the extent that this interrogatory  
17 invades attorney-client privilege and/or violates the work product doctrine by  
18 compelling Responding Party to disclose privileged communications and/or  
19 litigation strategy.

20        Subject to and without waiver of the foregoing objections, Responding  
21 Party responds as follows:

22        In addition to each defendant named in his individual capacity and  
23 other persons identified in Plaintiffs’ Initial and Supplemental Disclosures,  
24 and the evidence submitted in support of Plaintiffs motion for class  
25 certification, Responding Party identifies the following individuals:

26        Cory Spencer: Spencer believes that Blakeman engaged in a  
27 concerted effort with other Bay Boys to obstruct his free passage and use in  
28 the customary manner of a public space. Spencer also believes that

1 Blakeman coordinated with other Bay Boys to assault him while he was  
2 surfing. Spencer believes that the conduct directed at him and others trying  
3 to surf Lunada Bay is part of an agreement among Blakeman and the other  
4 Bay Boys, which at a minimum, may be implied by the conduct of the parties  
5 and other members of the Bay Boys. Spencer believes that the Bay Boys  
6 concerted efforts to stop the public from accessing the beach are  
7 documented in text messages and emails some of which have been  
8 destroyed or are being withheld by the Defendants in this case. For  
9 example, on February 5, 2016, plaintiffs are informed and believe that  
10 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom  
11 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and  
12 several others that said "There are 5 kooks standing on the bluff taking  
13 pictures...I think that same Taloa guy. Things could get ugly." A Los  
14 Angeles Times photographer captured a pictured of Defendant Blakeman of  
15 the bluff filming plaintiffs. Plaintiffs believe that the Bay Boys take photos  
16 and/or video tape people as a form of harassment and intimidation. For  
17 example, plaintiffs are also informed and believe that a Lunada Bay local  
18 named Joshua Berstein was taking pictures at the MLK 2014 paddle out.  
19 Plaintiffs are also informed and believe that Berstein told several people  
20 after he photographed them "know we know who you are."

21 The specific acts directed against Spencer include but are not limited  
22 to the following:

23 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly  
24 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.  
25 They were told that they couldn't surf there, and Spencer was called a  
26 "kook," which is a derogatory surfing term. Spencer was also told: "why don't  
27 you fucking go home, you fucking kook" and asked "how many other good  
28 places did you pass to come here?" These are the same types of statements

1 made by Defendant Sang Lee and others that can be observed on the video  
2 published by the Guardian.<sup>1</sup> These taunts started while Spencer and Taloa  
3 were on the bluffs getting ready to surf. One individual continued to heckle  
4 Spencer and Taloa on their way down to the beach and into the water.

5 Blakeman was already in the water and began paddling around  
6 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
7 There was no legitimate reason for this conduct. Spencer believes that this  
8 is a tactic used by the Bay Boys to harass people.<sup>2</sup> Blakeman impeded  
9 Spencer's movement in any direction and was intentionally blocking him  
10 from catching any waves. It was clear to Spencer that Blakeman was not  
11 there to surf that morning. Instead, his mission was to prevent Spencer and  
12 Taloa from surfing and to keep them from enjoying their time in the water,  
13 the open space, the waves, and nature. This the type of concerted effort was  
14 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
15 people from surfing at Lunada Bay. In the approximately 90 minutes that  
16 Spencer was in the water that day, Blakeman was focused on Spencer and  
17 Taloa and continued to shadow their movements, and sit uncomfortably  
18 close to them. Spencer had never experienced anything like that before in  
19 his life. It was bizarre but also incredibly frightening and disturbing. It  
20 appeared to Spencer that Blakeman was coordinating his actions with a  
21 group of guys who were standing in the Rock Fort, along with others in the  
22 water. They were all talking to each other and it was clear they all knew  
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25 <sup>1</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 <sup>2</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
27 message describing similar conduct: "We just had a kook out in the water  
28 and me and Jack just sat on his ass."

1 each other.

2       At one point while Spencer was in the water and was paddling west  
3 out to the ocean, he saw a man surfing, coming in east towards the shore.  
4 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
5 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
6 half-inch scar from where this man ran him over. As soon as the Bay Boy  
7 ran him over, he started berating Spencer, saying things like "what are you  
8 fucking doing out here? I told you to go home. I should have run you over.  
9 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
10 was pretending that he didn't see Spencer but it was obvious that he did and  
11 intentionally ran him over. With over 30 years of surfing experience, Spencer  
12 knew that this collision was intentional on his part. Fearful of being further  
13 injured at that point, and not wanting to get into an argument with him,  
14 Spencer just paddled away. Spencer and Taloa caught one more wave after  
15 that and then decided it was getting too dangerous to surf. More men started  
16 showing up at the Rock Fort and Spencer and Taloa were growing  
17 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
18 These incidents are described in the declarations filed with Plaintiffs motion  
19 for class certification and the deposition of Spencer.

20       Spencer further identifies the following individuals as having  
21 knowledge of concerted efforts by the Bay Boys, including Blakeman:

22       Christopher Taloa.<sup>3</sup> As set forth above, Taloa and Spencer went  
23 surfing at Lunada Bay and were harassed by Blakeman. Taloa witnessed  
24 Blakeman shadowing Spencer's movement in the water. Blakeman was in  
25 the water with four or five other Lunada Bay Locals. At one point, Blakeman  
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27       <sup>3</sup> Mr. Talo is represented by Hanson Bridgett LLP and Otten Law PC.

1 paddled toward Taloa, at which point Taloa told him that he was too close.  
2 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
3 Taloa kept moving in the water, and Blakeman attempted to keep up with  
4 him but was not in good enough shape to do so.

5 Diana Milena Reed. As set forth in the Complaint, Reed was harassed  
6 by Blakeman and other Lunada Bay locals on multiple occasions. On  
7 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan  
8 Wright and harassed them. Blakeman was there filming the incident.<sup>4</sup> On or  
9 about February 12, 2016, The Los Angeles Times published an article called  
10 "Bay Boys surfer gang cannot block access to upscale beach, Coastal  
11 Commission says." Jordan Wright and Cory Spencer are quoted in the  
12 article. Mr. Wright and a few others had planned to surf Lunada Bay the  
13 following morning. Plaintiffs are informed and believe that Defendants  
14 Johnston and Blakeman learned that Jordan Wright and Diana Reed were  
15 going to Lunada Bay and planned to be there to harass them. On February  
16 12, 2016, Defendant Alan Johnston sent the following text messages to an  
17 unknown recipient: "No fucking way Taloa is back this year" and "If u really  
18 wanna be a bay boy we might meet help tomm." On February 13, 2016,  
19 Reed and Wright returned to Lunada Bay. After Reed and Wright had  
20 continued down the path, Blakeman and Defendant Alan Johnston rushed  
21 into the Rock Fort where Reed was taking photos; the assault appeared to  
22 be a coordinated and orchestrated and in retaliation for an article that  
23 appeared in the Los Angeles Times. Blakeman was filming Reed and had  
24

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25  
26 <sup>4</sup> Plaintiffs are informed and believe that there were text message sent on  
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks  
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans  
responded with a "LOL" and said he would be there.

1 his camera close to her face. Reed asked why he was filming her, and  
2 Blakeman responded, "Because I feel like it," and Johnston responded,  
3 "Because you're hot." Charlie Ferrara was present during this incident, and  
4 observed the entire thing. Although Ferrara apologized later for their  
5 behavior, he appeared to be complicit in Blakeman and Johnston's actions.  
6 These incidents are described in the declarations filed with Plaintiffs motion  
7 for class certification and the deposition of Reed. Plaintiffs are informed and  
8 believe that after the incident Defendant Johnston started calling and/or  
9 texting other Lunada Bay locals to check for police to plan a getaway. At  
10 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't  
11 see any cops at the top." Plaintiffs are informed and believe that later that  
12 day Johnston received a text from his mother asking him "What happened at  
13 the bay?" Johnston replied "Nothing happened really just couple of trolls  
14 they got nothing."

15 Jen Bell, address unknown (323) 308-9326. The incident described  
16 above was witnessed by a woman named Jen Bell who had gone to Lunada  
17 Bay that same day to photograph a guy from Malibu. When she attempted  
18 sit down on the beach with her pack, a man said: "You are practically sitting  
19 in a men's locker-room. You don't make me feel comfortable". Bell  
20 continued to sit there for another 10 minutes because she refused to be  
21 intimated but eventually decided to head over to the fort because she saw  
22 another woman, Diana Reed, was taking photos. Bell was in the Rock Fort  
23 when Blakeman and Johnston arrived. It was obvious from the start that  
24 Johnston and Blakeman were there with the intent to harass Reed. Johnston  
25 was making rude comments to both her and Reed. Blakeman was putting  
26 the GoPro in their faces. Johnston was chugging multiple beers and it was  
27 early in the morning. Johnston asked her to help him with his wetsuit. He  
28 said "Can you help me with this?" and handed her the leg of his wetsuit.

1 Johnston made moaning sounds when she took it like he was having an  
2 orgasm.

3 Jordan Wright.<sup>5</sup> Wright attempted to surf Lunada Bay in January 2015  
4 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
5 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
6 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
7 foot-high wave and was up riding for several seconds. Alan Johnston  
8 paddled the wrong way on this wave, dropped in on him going the wrong  
9 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
10 while going the wrong way violates normal surf etiquette. Johnston then  
11 collided with Wright, and their leashes got tangled. After they surfaced from  
12 the collision, Johnston then got close to Wright and yelled, "You had to  
13 fucking take that wave, didn't you!" The next wave that came through then  
14 broke Wright's leash plug and the board was carried into the rocks, which  
15 destroyed a new surfboard. Wright had to swim in over rocks to get his  
16 board and cut his hands on the rocks doing so. Wright is confident that  
17 Johnston attempted to purposefully injure him. What he did was extremely  
18 dangerous.

19 Wright has observed Blakeman on many occasions. Blakeman is easy  
20 to identify because he rides a kneeboard and he is regularly filming visitors  
21 on land with a camcorder. Wright believes his filming is an effort to intimidate  
22 visitors. In the water, Wright has observed what appears to be Blakeman  
23 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
24 Bay Boys who seem to be assigned to visiting surfers—they'll sit  
25 too close to the visitors, impede their movements, block their surfing, kick at

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26  
27 <sup>5</sup> Mr. Wright, Chris Claypool and Ken Claypool are all represented by  
28 Hanson Bridgett LLP and Otten Law PC.

1 them, splash water at them, and dangerously drop in on them. In addition to  
2 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
3 Charlie Ferrara, and David Mello engage in this activity. These incidents are  
4 described in the declarations filed with Plaintiffs motion for class certification.

5 Ken Claypool has been harassed and filmed by Blakeman in an  
6 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
7 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
8 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
9 water, including Blakeman who paddled over and threatened them. Claypool  
10 observed Blakeman intentionally dropped in on Wright at least twice.

11 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa  
12 and Jordan Wright. There was a photographer from the Los Angeles Times  
13 that was there. Also in attendance was Cory Spencer and Diana Reed.  
14 Spencer was there to watch the cars. Blakeman was there filming in an  
15 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
16 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
17 are informed and believe that there was a text message sent that day to  
18 Papayans, Michael Theil and 11 other people stating that there were 5  
19 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
20 informed that the text states: "Things could get ugly. We all need to surf."  
21 These incidents are described in the declarations filed with Plaintiffs motion  
22 for class certification.

23 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf  
24 Lunada Bay in January 2015. There were about five locals in the water,  
25 including Blakeman who paddled over and was yelling "Try and catch a  
26 wave and see what happens. There is no fucking way you are getting a  
27 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
28 possessed or possibly on drugs. His behavior got more bizarre throughout

1 the morning. He seemed to be paddling for every wave that he could  
2 physically push himself into, perhaps to make a point, but he was wiping out  
3 a lot and falling down the face and tumbling across the rock reef. Blakeman  
4 looked dangerous to himself. When Blakeman would actually catch a wave  
5 in, he would paddle back to where Claypool and his brother were sitting, and  
6 continue his insane rant. On one occasion, Blakeman came less than 12  
7 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
8 to put his fingers in his ear to protect them from being damaged. Claypool is  
9 a sound engineer and to put this in perspective, a rock concert creates about  
10 120 decibels of noise - this was louder; a jet engine creates about 150  
11 decibels. At one point Blakeman caught a wave and drew a line aiming right  
12 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
13 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
14 intentionally dropped in on Jordan at least twice. It seemed obvious to  
15 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
16 them were having fun. Because of the danger, they decided to leave.

17 When Claypool and his brother got out of water, they saw people  
18 gathering on top of the cliff. One person was videotaping them from the top  
19 of the cliff; it was clear to Claypool that he was doing this to try and  
20 intimidate them. The people were watching them from the cliff. It was  
21 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
22 obstruct his free passage and use in the customary manner of a public  
23 space. It also seemed clear that Blakeman engaged in a concerted effort  
24 with other Bay Boys to try and injure him. These incidents are described in  
25 the declarations filed with Plaintiffs motion for class certification.

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1           Jason Gersch.<sup>6</sup> While observing the surf, Gersch was approached by  
2 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
3 individuals made it known to Gersch that he could not surf there. These  
4 incidents are described in the declarations filed with Plaintiffs motion for  
5 class certification.

6           Plaintiffs are informed and believe and on that basis allege that  
7 Defendant Blakeman and his attorneys are attempting to intimidate  
8 witnesses in this case. On at least two occasions, an investigator hired by  
9 Blakeman's attorneys contacted witnesses they knew were represented by  
10 Plaintiffs' attorneys. The investigator also showed up at the home of a  
11 reporter that has not been listed as a witness.

12           The request is premature. Because Blakeman and the other  
13 defendants are refusing to comply with their obligations to produce  
14 documents under the federal rules and are impermissibly withholding  
15 evidence and/or possibly spoliating evidence, we are not able to fully  
16 respond to discovery requests which necessarily rely on our ability to fully  
17 investigate the facts. As discovery is continuing, Spencer reserves the right  
18 to update this response.

19 **INTERROGATORY NO. 2:**

20           IDENTIFY ALL PERSONS that have knowledge of any facts that  
21 support your contention in paragraph 7 of the Complaint that BRANT  
22 BLAKEMAN "is responsible in some manner for the Bane Act violations and  
23 public nuisance described in the Complaint" and for each such PERSON  
24 identified state all facts you contend are within that PERSON's knowledge.

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<sup>6</sup> Mr. Gersch is represented by Hanson Bridgett LLP and Otten Law PC.

1 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

2        Responding Party objects to this interrogatory as premature. Because  
3 this interrogatory seeks or necessarily relies upon a contention, and  
4 because this matter is in its early stages and pretrial discovery has only just  
5 begun, Responding Party is unable to provide a complete response at this  
6 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
7 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
8 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
9 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]  
10 interrogatory need not be answered until designated discovery is complete,  
11 or until a pretrial conference or some other time.”).

12        Responding Party further objects to this interrogatory as unduly  
13 burdensome, harassing, and duplicative of information disclosed in  
14 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.  
15 Propounding Party may look to Responding Party’s Rule 26(a) disclosures  
16 and supplemental disclosures for the information sought by this  
17 interrogatory. Moreover, Responding Party had the opportunity to depose  
18 Mr. Spencer on this topic.

19        Responding Party further objects to this interrogatory as compound.  
20 This “interrogatory” contains multiple impermissible subparts, which  
21 Propounding Party has propounded to circumvent the numerical limitations  
22 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

23        Responding Party further objects to this interrogatory on the grounds  
24 that it seeks information that is outside of Responding Party’s knowledge.

25        Responding Party further objects to the extent that this interrogatory  
26 invades attorney-client privilege and/or violates the work product doctrine by  
27 compelling Responding Party to disclose privileged communications and/or  
28 litigation strategy.

1       Subject to and without waiver of the foregoing objections, Responding  
2 Party responds as follows:

3       In addition to each defendant named in his individual capacity and  
4 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,  
5 and the evidence submitted in support of Plaintiffs motion for class  
6 certification, Responding Party identifies the following individuals:

7       Cory Spencer: Spencer believes that Blakeman engaged in a  
8 concerted effort with other Bay Boys to obstruct his free passage and use in  
9 the customary manner of a public space. Spencer also believes that  
10 Blakeman coordinated with other Bay Boys to assault him while he was  
11 surfing. Spencer believes that the conduct directed at him others trying to  
12 surf Lunada Bay is part of an agreement among Blakeman and the other  
13 Bay Boys, which at a minimum, may be implied by the conduct of the parties  
14 and other members of the Bay Boys. Spencer believes that the Bay Boys  
15 concerted efforts to stop the public from accessing the beach are  
16 documented in text messages and emails some of which have been  
17 destroyed or are being withheld by the Defendants in this case. For  
18 example, on February 5, 2016, plaintiffs are informed and believe that  
19 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom  
20 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and  
21 several others that said "There are 5 kooks standing on the bluff taking  
22 pictures...I think that same Taloa guy. Things could get ugly." A Los Angeles  
23 Times photographer captured a pictured of Defendant Blakeman of the bluff  
24 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos and/or  
25 video tape people to harass and intimidate them. For example, Plaintiffs are  
26 also informed and believe that a Lunada Bay local named Joshua Berstein  
27 was taking pictures at the MLK 2014 paddle out. Plaintiffs are also informed  
28 and believe that Berstein told several people after he photographed them

1 "know we know who you are." Plaintiffs are informed and believe that the  
2 Bay Boys use cameras to harass and intimidate people. These incidents are  
3 described in the declarations filed with Plaintiffs motion for class certification  
4 and the deposition of Taloa.

5 The specific acts directed against Spencer include but are not limited  
6 to the following:

7 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly  
8 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.  
9 They were told that they couldn't surf there, and Spencer was called a  
10 "kook," which is a derogatory surfing term. Spencer was also told: "why don't  
11 you fucking go home, you fucking kook" and asked "how many other good  
12 places did you pass to come here?" These are the same types of statements  
13 made by Defendant Sang Lee and others that can be observed on the video  
14 published by the Guardian.<sup>7</sup> These taunts started while Spencer and Taloa  
15 were on the bluffs getting ready to surf. One individual continued to heckle  
16 Spencer and Taloa on their way down to the beach and into the water.

17 Blakeman was already in the water and began paddling around  
18 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
19 There was no legitimate reason for this conduct.<sup>8</sup> Spencer believes that this  
20 is a tactic used by the Bay Boys to harass people. Blakeman impeded  
21 Spencer's movement in any direction and was intentionally blocking him  
22 from catching any waves. It was clear to Spencer that Blakeman was not

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24  
25 <sup>7</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 <sup>8</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
27 message describing similar conduct: "We just had a kook out in the water  
28 and me and Jack just sat on his ass."

1 there to surf that morning. Instead, his mission was to prevent Spencer and  
2 Taloa from surfing and to keep them from enjoying their time in the water,  
3 the open space, the waves, and nature. This the type of concerted effort was  
4 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
5 people from surfing at Lunada Bay. In the approximately 90 minutes that  
6 Spencer was in the water that day, Blakeman was focused on Spencer and  
7 Taloa and continued to shadow their movements, and sit uncomfortably  
8 close to them. Spencer had never experienced anything like that before in  
9 his life. It was bizarre but also incredibly frightening and disturbing. It  
10 appeared to Spencer that Blakeman was coordinating his actions with a  
11 group of guys who were standing in the Rock Fort, along with others in the  
12 water. They were all talking to each other and it was clear they all knew  
13 each other.

14 At one point while Spencer was in the water and was paddling west  
15 out to the ocean, he saw a man surfing, coming in east towards the shore.  
16 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
17 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
18 half-inch scar from where this man ran him over. As soon as the Bay Boy  
19 ran him over, he started berating Spencer, saying things like "what are you  
20 fucking doing out here? I told you to go home. I should have run you over.  
21 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
22 was pretending that he didn't see Spencer but it was obvious that he did and  
23 intentionally ran him over. With over 30 years of surfing experience, Spencer  
24 knew that this collision was intentional on his part. Fearful of being further  
25 injured at that point, and not wanting to get into an argument with him,  
26 Spencer just paddled away. Spencer and Taloa caught one more wave after  
27 that and then decided it was getting too dangerous to surf. More men started  
28 showing up at the Rock Fort and Spencer and Taloa were growing

1 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
2 These incidents are described in the declarations filed with Plaintiffs motion  
3 for class certification and the deposition of Spencer.

4 Spencer further identifies the following individuals as having  
5 knowledge of concerted efforts by the Bay Boys, including Blakeman:

6 Christopher Taloa. As set forth above, Taloa and Spencer went surfing  
7 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
8 shadowing Spencer's movement in the water. Blakeman was in the water  
9 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
10 toward Taloa, at which point Taloa told him that he was too close.  
11 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
12 Taloa kept moving in the water, and Blakeman attempted to keep up with  
13 him but was not in good enough shape to do so.

14 Diana Milena Reed. As set forth in the Complaint, Reed was harassed  
15 by Blakeman and other Lunada Bay locals on multiple occasions. On  
16 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan  
17 Wright and harassed them. Blakeman was there filming the incident.<sup>9</sup> On or  
18 about February 12, 2016, The Los Angeles Times published an article called  
19 "Bay Boys surfer gang cannot block access to upscale beach, Coastal  
20 Commission says." Jordan Wright and Cory Spencer are quoted in the  
21 article. Mr. Wright and a few others had planned to surf Lunada Bay the  
22 following morning. Plaintiffs are informed and believe that Defendants  
23 Johnston and Blakeman learned that Jordan Wright and Diana Reed were

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25  
26 <sup>9</sup> Plaintiffs are informed and believe that there were text message sent on  
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks  
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans  
responded with a "LOL" and said he would be there.

1 going to Lunada Bay and planned to be there to harass them. On February  
2 12, 2016, Defendant Alan Johnston sent the following text messages to an  
3 unknown recipient: "No fucking way Taloa is back this year" and "If u really  
4 wanna be a bay boy we might meet help tomm." On February 13, 2016,  
5 Reed and Wright returned to Lunada Bay. After Reed and Wright had  
6 continued down the path, Blakeman and Defendant Alan Johnston rushed  
7 into the Rock Fort where Reed was taking photos; the assault appeared to  
8 be a coordinated and orchestrated and in retaliation for an article that  
9 appeared in the Los Angeles Times. Blakeman was filming Reed and had  
10 his camera close to her face. Reed asked why he was filming her, and  
11 Blakeman responded, "Because I feel like it," and Johnston responded,  
12 "Because you're hot." Charlie Ferrara was present during this incident, and  
13 observed the entire thing. Although Ferrara apologized later for their  
14 behavior, he appeared to be complicit in Blakeman and Johnston's actions.  
15 These incidents are described in the declarations filed with Plaintiffs motion  
16 for class certification and the deposition of Reed. Plaintiffs are informed and  
17 believe that after the incident Defendant Johnston started calling and/or  
18 texting other Lunada Bay locals to check for police to plan a getaway. At  
19 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't  
20 see any cops at the top." Plaintiffs are informed and believe that later that  
21 day Johnston received a text from his mother asking him "What happened at  
22 the bay?" Johnston replied "Nothing happened really just couple of trolls  
23 they got nothing."

24 Jen Bell. The incident described above was witnessed by a woman  
25 named Jen Bell who had gone to Lunada Bay that same day to photograph  
26 a guy from Malibu. When she attempted sit down on the beach with her  
27 pack, a man said: "You are practically sitting in a men's locker-room. You  
28 don't make me feel comfortable". Bell continued to sit there for another 10

1 mins because she refused to be intimated but decided to head over to the  
2 fort because she saw another woman, Diana Reed, was taking photos. Bell  
3 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious  
4 from the start that Johnston and Blakeman were there with the intent to  
5 harass Reed. Johnston was making rude comments to both her and Reed.  
6 Blakeman was putting the GoPro in their faces. Johnston was chugging  
7 multiple beers and it was early in the morning. Johnston asked her to help  
8 him with his wetsuit. He said “Can you help me with this?” and handed her  
9 the leg of his wetsuit. Johnston made moaning sounds when she took it like  
10 he was having an orgasm.

11       Jordan Wright. Wright attempted to surf Lunada Bay in January 2015  
12 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
13 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
14 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
15 foot-high wave and was up riding for several seconds. Alan Johnston  
16 paddled the wrong way on this wave, dropped in on him going the wrong  
17 way on the wave, and yelled, “Oh no, you don’t!” Dropping in on a surfer  
18 while going the wrong way violates normal surf etiquette. Johnston then  
19 collided with Wright, and their leashes got tangled. After they surfaced from  
20 the collision, Johnston then got close to Wright and yelled, “You had to  
21 fucking take that wave, didn’t you!” The next wave that came through then  
22 broke Wright’s leash plug and the board was carried into the rocks, which  
23 destroyed a new surfboard. Wright had to swim in over rocks to get his  
24 board and cut his hands on the rocks doing so. Wright is confident that  
25 Johnston was attempted to purposefully injure him. What he did was  
26 extremely dangerous.

27       Wright has observed Blakeman on many occasions. Blakeman is easy  
28 to identify because he rides a kneeboard and he is regularly filming visitors

1 on land with a camcorder. Wright believes his filming is an effort to intimidate  
2 visitors. In the water, Wright has observed what appears to be Blakeman  
3 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
4 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
5 the visitors, impede their movements, block their surfing, kick at them,  
6 splash water at them, and dangerously drop in on them. In addition to  
7 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
8 Charlie Ferrara, and David Mello engage in this activity. These incidents are  
9 described in the declarations filed with Plaintiffs motion for class certification.

10       Ken Claypool has been harassed and filmed by Blakeman in an  
11 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
12 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
13 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
14 water, including Blakeman who paddled over and threatened them. Claypool  
15 observed Blakeman intentionally dropped in on Wright at least twice.

16       On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa  
17 and Jordan Wright. There was a photographer from the Los Angeles Times  
18 that was there. Also in attendance was Cory Spencer and Diana Reed.  
19 Spencer was there to watch the cars. Blakeman was there filming in an  
20 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
21 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
22 are informed and believe that there was a text message sent that day to  
23 Papayans, Michael Theil and 11 other people stating that there were 5  
24 kooks standing on the bluff taking pictures, including Taloa. The text states:  
25 "Things could get ugly. We all need to surf." These incidents are described  
26 in the declarations filed with Plaintiffs motion for class certification.

27       Chris Claypool, his brother Ken, and Jordan Wright attempted to surf  
28 Lunada Bay in January 2015. There were about five locals in the water,

1 including Blakeman who paddled over and was yelling "Try and catch a  
2 wave and see what happens. There is no fucking way you are getting a  
3 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
4 possessed or possibly on drugs. His behavior got more bizarre throughout  
5 the morning. He seemed to be paddling for every wave that he could  
6 physically push himself into, perhaps to make a point, but he was wiping out  
7 a lot and falling down the face and tumbling across the rock reef. Blakeman  
8 looked dangerous to himself. When Blakeman would actually catch a wave  
9 in, he would paddle back to where Claypool and his brother were sitting, and  
10 continue his insane rant. On one occasion, Blakeman came less than 12  
11 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
12 to put his fingers in his ear to protect them from being damaged. Claypool is  
13 a sound engineer and to put this in perspective, a rock concert creates about  
14 120 decibels of noise - this was louder; a jet engine creates about 150  
15 decibels. At one point Blakeman caught a wave and drew a line aiming right  
16 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
17 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
18 intentionally dropped in on Jordan at least twice. It seemed obvious to  
19 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
20 them were having fun. Because this was getting dangerous, they decided to  
21 leave.

22 When Claypool and his brother got out of water, they saw people  
23 gathering on top of the cliff. One person was videotaping them from the top  
24 of the cliff; it was clear to Claypool that he was doing this to try and  
25 intimidate them. The people were watching them from the cliff. It was  
26 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
27 obstruct his free passage and use in the customary manner of a public  
28 space. It also seemed clear that Blakeman engaged in a concerted effort

1 with other Bay Boys to try and injure him. These incidents are described in  
2 the declarations filed with Plaintiffs motion for class certification.

3 Jason Gersch. While observing the surf, Gersch was approached by  
4 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
5 individuals made it known to Gersch that he could not surf there. These  
6 incidents are described in the declarations filed with Plaintiffs motion for  
7 class certification.

8 Plaintiffs are informed and believe and on that basis allege that  
9 Defendant Blakeman and his attorneys are attempting to intimidate  
10 witnesses in this case. On at least two occasions, an investigator hired by  
11 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
12 attorneys. The investigator also showed up at the home of a reporter that  
13 has not been listed as a witness.

14 The request is premature. Because Blakeman and the other  
15 defendants are refusing to comply with their obligations to produce  
16 documents under the federal rules and are impermissibly withholding  
17 evidence and/or possibly spoliating evidence, we are not able to fully  
18 respond to discovery requests which necessarily rely on our ability to fully  
19 investigate the facts. As discovery is continuing, Spencer reserves the right  
20 to update this response.

21 **INTERROGATORY NO. 3:**

22 IDENTIFY ALL PERSONS that have knowledge of any facts that  
23 support your contention in paragraph 18 of the Complaint that BRANT  
24 BLAKEMAN "sell[s] market[s] and use[s] illegal controlled substances from  
25 the Lunada Bay Bluffs and the Rock Fort" and for each such PERSON  
26 identified state all facts you contend are within the PERSON's knowledge.

27 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:**

28 Responding Party objects to this interrogatory as premature. Because

1 this interrogatory seeks or necessarily relies upon a contention, and  
2 because this matter is in its early stages and pretrial discovery has only just  
3 begun, Responding Party is unable to provide a complete response at this  
4 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
5 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
6 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
7 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]  
8 interrogatory need not be answered until designated discovery is complete,  
9 or until a pretrial conference or some other time.”).

10        Responding Party further objects to this interrogatory as unduly  
11 burdensome, harassing, and duplicative of information disclosed in  
12 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.  
13 Propounding Party may look to Responding Party’s Rule 26(a) disclosures  
14 and supplemental disclosures for the information sought by this  
15 interrogatory. Moreover, Responding Party had the opportunity to depose  
16 Mr. Spencer on this topic.

17        Responding Party further objects to this interrogatory as compound.  
18 This “interrogatory” contains multiple impermissible subparts, which  
19 Propounding Party has propounded to circumvent the numerical limitations  
20 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

21        Responding Party further objects to this interrogatory on the grounds  
22 that it seeks information that is outside of Responding Party’s knowledge.

23        Responding Party further objects to the extent that this interrogatory  
24 invades attorney-client privilege and/or violates the work product doctrine by  
25 compelling Responding Party to disclose privileged communications and/or  
26 litigation strategy.

27        Subject to and without waiver of the foregoing objections, Responding  
28 Party responds as follows:

1        In addition to each defendant named in his individual capacity and  
2 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,  
3 and the evidence submitted in support of Plaintiffs motion for class  
4 certification, Responding Party identifies the following individuals: There is a  
5 copy of a Group MMS included in Officer Report for Incident 16-02164. In  
6 that report an individual who identifies himself as "the Weasel" makes a  
7 statement about Blakeman and meth. The Weasel also states: "Ferrara  
8 family is nothing put a bunch of drug addict losers. He's main shaper and  
9 good surfer kids are losers and his brothers kids are all losers One of the  
10 Ferrara kids [sic] friends beat up a Persian liquor store guy... One time the  
11 Ferrara kid talk shit to me one day I said I used to smoke crack with your  
12 dad Angelo and dead uncle Sal I have all the dirt from 1979 up. The Weasel  
13 then states; "Tell your bros to say even sells weed he lives on 10th Street in  
14 San Pedro." Plaintiffs are informed and believe that the word "even" is a typo  
15 which is supposed to be Evan and referring to Bay Boy Evan Levy. Plaintiffs  
16 are informed and believe and thereon allege that the Weasel might be an  
17 individual named Glen Morris. (424) 263-5152.

18        The request is premature. Because Blakeman and the other  
19 defendants are refusing to comply with their obligations to produce  
20 documents under the federal rules and are impermissibly withholding  
21 evidence and/or possibly spoliating evidence, we are not able to fully  
22 respond to discovery requests which necessarily rely on our ability to fully  
23 investigate the facts. As discovery is continuing, Spencer reserves the right  
24 to update this response.

25 **INTERROGATORY NO. 4:**

26        IDENTIFY ALL PERSONS that have knowledge of any facts that  
27 support your contention in paragraph 18 of the Complaint that BRANT  
28 BLAKEMAN "impede[d] boat traffic" at any time, and for each such PERSON

1 identified state all facts you contend are within that PERSON's knowledge.

2 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:**

3        Responding Party objects to this interrogatory as premature. Because  
4 this interrogatory seeks or necessarily relies upon a contention, and  
5 because this matter is in its early stages and pretrial discovery has only just  
6 begun, Responding Party is unable to provide a complete response at this  
7 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
8 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
9 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
10 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
11 interrogatory need not be answered until designated discovery is complete,  
12 or until a pretrial conference or some other time.").

13        Responding Party further objects to this interrogatory as unduly  
14 burdensome, harassing, and duplicative of information disclosed in  
15 Responding Party's Rule 26(a) disclosures and supplemental disclosures.  
16 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
17 and supplemental disclosures for the information sought by this  
18 interrogatory. Moreover, Responding Party had the opportunity to depose  
19 Mr. Spencer on this topic.

20        Responding Party further objects to this interrogatory as compound.  
21 This "interrogatory" contains multiple impermissible subparts, which  
22 Propounding Party has propounded to circumvent the numerical limitations  
23 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

24        Responding Party further objects to this interrogatory on the grounds  
25 that it seeks information that is outside of Responding Party's knowledge.

26        Responding Party further objects to the extent that this interrogatory  
27 invades attorney-client privilege and/or violates the work product doctrine by  
28 compelling Responding Party to disclose privileged communications and/or

1 litigation strategy. Responding Party will not provide any such information.

2 Subject to and without waiver of the foregoing objections, Responding  
3 Party responds as follows:

4 In addition to each defendant named in his individual capacity and  
5 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,  
6 and the evidence submitted in support of Plaintiffs motion for class  
7 certification, Responding Party identifies the following individuals: Jordan  
8 Wright, Ken Claypool.

9 The request is premature. Because Blakeman and the other  
10 defendants are refusing to comply with their obligations to produce  
11 documents under the federal rules and are impermissibly withholding  
12 evidence and/or possibly spoliating evidence, we are not able to fully  
13 respond to discovery requests which necessarily rely on our ability to fully  
14 investigate the facts. As discovery is continuing, Spencer reserves the right  
15 to update this response.

16 **INTERROGATORY NO. 5:**

17 IDENTIFY ALL PERSONS that have knowledge of any facts that  
18 support your contention in paragraph 18 of the Complaint that BRANT  
19 BLAKEMAN "dangerously disregard[ed] surfing rules" at any time, and for  
20 each such PERSON identified state all facts you contend are within that  
21 PERSON's knowledge.

22 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

23 Responding Party objects to this interrogatory as premature. Because  
24 this interrogatory seeks or necessarily relies upon a contention, and  
25 because this matter is in its early stages and pretrial discovery has only just  
26 begun, Responding Party is unable to provide a complete response at this  
27 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
28 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*

1 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
2 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]  
3 interrogatory need not be answered until designated discovery is complete,  
4 or until a pretrial conference or some other time.”).

5        Responding Party further objects to this interrogatory as unduly  
6 burdensome, harassing, and duplicative of information disclosed in  
7 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.  
8 Propounding Party may look to Responding Party’s Rule 26(a) disclosures  
9 and supplemental disclosures for the information sought by this  
10 interrogatory. Moreover, Responding Party had the opportunity to depose  
11 Mr. Spencer on this topic.

12        Responding Party further objects to this interrogatory as compound.  
13 This “interrogatory” contains multiple impermissible subparts, which  
14 Propounding Party has propounded to circumvent the numerical limitations  
15 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

16        Responding Party further objects to this interrogatory on the grounds  
17 that it seeks information that is outside of Responding Party’s knowledge.

18        Responding Party further objects to the extent that this interrogatory  
19 invades attorney-client privilege and/or violates the work product doctrine by  
20 compelling Responding Party to disclose privileged communications and/or  
21 litigation strategy.

22        Subject to and without waiver of the foregoing objections, Responding  
23 Party responds as follows:

24        In addition to each defendant named in his individual capacity and  
25 other persons identified in Plaintiffs’ Initial and Supplemental Disclosures,  
26 and the evidence submitted in support of Plaintiffs motion for class  
27 certification, Responding Party identifies the following individuals:

28        Cory Spencer: Spencer believes that Blakeman engaged in a

1 concerted effort with other Bay Boys to obstruct his free passage and use in  
2 the customary manner of a public space. Spencer also believes that  
3 Blakeman coordinated with other Bay Boys to assault him while he was  
4 surfing. Spencer believes that the conduct directed at him others trying to  
5 surf Lunada Bay is part of an agreement among Blakeman and the other  
6 Bay Boys, which at a minimum, may be implied by the conduct of the parties  
7 and other members of the Bay Boys. Spencer believes that the Bay Boys  
8 concerted efforts to stop the public from accessing the beach are  
9 documented in text messages and emails some of which have been  
10 destroyed or are being withheld by the Defendants in this case. For  
11 example, on February 5, 2016, Charles Mowat sent a text message to  
12 Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy Patch,  
13 Defendant Michael Papayans and several others that said "There are 5  
14 kooks standing on the bluff taking pictures...I think that same Taloa guy.  
15 Things could get ugly." A Los Angeles Times photographer captured a  
16 pictured of Defendant Blakeman of the bluff filming plaintiffs.

17 The specific acts directed against Spencer include but are not limited  
18 to the following:

19 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly  
20 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.  
21 They were told that they couldn't surf there, and Spencer was called a  
22 "kook," which is a derogatory surfing term. Spencer was also told: "why don't  
23 you fucking go home, you fucking kook" and asked "how many other good  
24 places did you pass to come here?" These are the same types of statements  
25 made by Defendant Sang Lee and others that can be observed on the video

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1 published by the Guardian.<sup>10</sup> These taunts started while Spencer and Taloa  
2 were on the bluffs getting ready to surf. One individual continued to heckle  
3 Spencer and Taloa on their way down to the beach and into the water.

4 Blakeman was already in the water and began paddling around  
5 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
6 There was no legitimate reason for this conduct.<sup>11</sup> Spencer believes that  
7 this is a tactic used by the Bay Boys to harass people. Blakeman impeded  
8 Spencer's movement in any direction and was intentionally blocking him  
9 from catching any waves. It was clear to Spencer that Blakeman was not  
10 there to surf that morning. Instead, his mission was to prevent Spencer and  
11 Taloa from surfing and to keep them from enjoying their time in the water,  
12 the open space, the waves, and nature. This the type of concerted effort was  
13 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
14 people from surfing at Lunada Bay. In the approximately 90 minutes that  
15 Spencer was in the water that day, Blakeman was focused on Spencer and  
16 Taloa and continued to shadow their movements, and sit uncomfortably  
17 close to them. Spencer had never experienced anything like that before in  
18 his life. It was bizarre but also incredibly frightening and disturbing. It  
19 appeared to Spencer that Blakeman was coordinating his actions with a  
20 group of guys who were standing in the Rock Fort, along with others in the  
21 water. They were all talking to each other and it was clear they all knew  
22 each other.

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25 <sup>10</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 <sup>11</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
27 message describing similar conduct: "We just had a kook out in the water  
28 and me and Jack just sat on his ass."

1       At one point while Spencer was in the water and was paddling west  
2 out to the ocean, he saw a man surfing, coming in east towards the shore.  
3 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
4 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
5 half-inch scar from where this man ran him over. As soon as the Bay Boy  
6 ran him over, he started berating Spencer, saying things like "what are you  
7 fucking doing out here? I told you to go home. I should have run you over.  
8 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
9 was pretending that he didn't see Spencer but it was obvious that he did and  
10 intentionally ran him over. With over 30 years of surfing experience, Spencer  
11 knew that this collision was intentional on his part. Fearful of being further  
12 injured at that point, and not wanting to get into an argument with him,  
13 Spencer just paddled away. Spencer and Taloa caught one more wave after  
14 that and then decided it was getting too dangerous to surf. More men started  
15 showing up at the Rock Fort and Spencer and Taloa were growing  
16 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
17 These incidents are described in the declarations filed with Plaintiffs motion  
18 for class certification and the deposition of Spencer.

19       Spencer further identifies the following individuals as having  
20 knowledge of concerted efforts by the Bay Boys, including Blakeman:

21       Christopher Taloa. As set forth above, Taloa and Spencer went surfing  
22 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
23 shadowing Spencer's movement in the water. Blakeman was in the water  
24 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
25 toward Taloa, at which point Taloa told him that he was too close.  
26 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
27 Taloa kept moving in the water, and Blakeman attempted to keep up with  
28 him but was not in good enough shape to do so.

1           Jordan Wright. Wright attempted to surf Lunada Bay in January 2015  
2 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
3 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
4 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
5 foot-high wave and was up riding for several seconds. Alan Johnston  
6 paddled the wrong way on this wave, dropped in on him going the wrong  
7 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
8 while going the wrong way violates normal surf etiquette. Johnston then  
9 collided with Wright, and their leashes got tangled. After they surfaced from  
10 the collision, Johnston then got close to Wright and yelled, "You had to  
11 fucking take that wave, didn't you!" The next wave that came through then  
12 broke Wright's leash plug and the board was carried into the rocks, which  
13 destroyed a new surfboard. Wright had to swim in over rocks to get his  
14 board and cut his hands on the rocks doing so. Wright is confident that  
15 Johnston was attempted to purposefully injure him. What he did was  
16 extremely dangerous.

17           Wright has observed Blakeman on many occasions. Blakeman is easy  
18 to identify because he rides a kneeboard and he is regularly filming visitors  
19 on land with a camcorder. Wright believes his filming is an effort to intimidate  
20 visitors. In the water, Wright has observed what appears to be Blakeman  
21 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
22 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
23 the visitors, impede their movements, block their surfing, kick at them,  
24 splash water at them, and dangerously drop in on them. In addition to  
25 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
26 Charlie Ferrara, and David Mello engage in this activity. These incidents are  
27 described in the declarations filed with Plaintiffs motion for class certification.

28           Ken Claypool has been harassed and filmed by Blakeman in an

1 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
2 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
3 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
4 water, including Blakeman who paddled over and threatened them. Claypool  
5 observed Blakeman intentionally dropped in on Wright at least twice.

6 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf  
7 Lunada Bay in January 2015. There were about five locals in the water,  
8 including Blakeman who paddled over and was yelling "Try and catch a  
9 wave and see what happens. There is no fucking way you are getting a  
10 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
11 possessed or possibly on drugs. His behavior got more bizarre throughout  
12 the morning. He seemed to be paddling for every wave that he could  
13 physically push himself into, perhaps to make a point, but he was wiping out  
14 a lot and falling down the face and tumbling across the rock reef. Blakeman  
15 looked dangerous to himself. When Blakeman would actually catch a wave  
16 in, he would paddle back to where Claypool and his brother were sitting, and  
17 continue his insane rant. On one occasion, Blakeman came less than 12  
18 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
19 to put his fingers in his ear to protect them from being damaged. Claypool is  
20 a sound engineer and to put this in perspective, a rock concert creates about  
21 120 decibels of noise - this was louder; a jet engine creates about 150  
22 decibels. At one point Blakeman caught a wave and drew a line aiming right  
23 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
24 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
25 intentionally dropped in on Jordan at least twice. It seemed obvious to  
26 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
27 them were having fun. Because this was getting dangerous, they decided to  
28 leave.

1       When Claypool and his brother got out of water, they saw people  
2 gathering on top of the cliff. One person was videotaping them from the top  
3 of the cliff; it was clear to Claypool that he was doing this to try and  
4 intimidate them. The people were watching them from the cliff. It was  
5 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
6 obstruct his free passage and use in the customary manner of a public  
7 space. It also seemed clear that Blakeman engaged in a concerted effort  
8 with other Bay Boys to try and injure him. These incidents are described in  
9 the declarations filed with Plaintiffs motion for class certification.

10       Plaintiffs are informed and believe and on that basis allege that  
11 Defendant Blakeman and his attorneys are attempting to intimidate  
12 witnesses in this case. On at least two occasions, an investigator hired by  
13 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
14 attorneys. The investigator also showed up at the home of a reporter that  
15 has not been listed as a witness.

16       The request is premature. Because Blakeman and the other  
17 defendants are refusing to comply with their obligations to produce  
18 documents under the federal rules and are impermissibly withholding  
19 evidence and/or possibly spoliating evidence, we are not able to fully  
20 respond to discovery requests which necessarily rely on our ability to fully  
21 investigate the facts. As discovery is continuing, Spencer reserves the right  
22 to update this response.

23 **INTERROGATORY NO. 6:**

24       IDENTIFY ALL PERSONS that have knowledge of any facts that  
25 support your contention that BRANT BLAKEMAN has illegally extorted  
26 money from beachgoers who wish to use Lunada Bay for recreational  
27 purposes (See paragraph 33 j. of the Complaint), and for each such  
28 PERSON identified state all facts you contend are within that PERSON's

1 knowledge.

2 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

3        Responding Party objects to this interrogatory as premature. Because  
4 this interrogatory seeks or necessarily relies upon a contention, and  
5 because this matter is in its early stages and pretrial discovery has only just  
6 begun, Responding Party is unable to provide a complete response at this  
7 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
8 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
9 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
10 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]  
11 interrogatory need not be answered until designated discovery is complete,  
12 or until a pretrial conference or some other time.”).

13        Responding Party further objects to this interrogatory as unduly  
14 burdensome, harassing, and duplicative of information disclosed in  
15 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.  
16 Propounding Party may look to Responding Party’s Rule 26(a) disclosures  
17 and supplemental disclosures for the information sought by this  
18 interrogatory. Moreover, Responding Party had the opportunity to depose  
19 Mr. Spencer on this topic.

20        Responding Party further objects to this interrogatory as compound.  
21 This “interrogatory” contains multiple impermissible subparts, which  
22 Propounding Party has propounded to circumvent the numerical limitations  
23 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

24        Responding Party further objects to this interrogatory on the grounds  
25 that it seeks information that is outside of Responding Party’s knowledge.

26        Responding Party further objects to the extent that this interrogatory  
27 invades attorney-client privilege and/or violates the work product doctrine by  
28 compelling Responding Party to disclose privileged communications and/or

1 litigation strategy. Responding Party will not provide any such information.

2 The request is premature. Because Blakeman and the other  
3 defendants are refusing to comply with their obligations to produce  
4 documents under the federal rules and are impermissibly withholding  
5 evidence and/or possibly spoliating evidence, we are not able to fully  
6 respond to discovery requests which necessarily rely on our ability to fully  
7 investigate the facts. As discovery is continuing, Spencer reserves the right  
8 to update this response.

9 **INTERROGATORY NO. 7:**

10 IDENTIFY ALL PERSONS that have knowledge of any facts that  
11 support your contention that BRANT BLAKEMAN was a part of a Civil  
12 Conspiracy as identified in your complaint in paragraphs 51 through 53, and  
13 for each such PERSON identified state all facts you contend are within that  
14 PERSON's knowledge.

15 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:**

16 Responding Party objects to this interrogatory as premature. Because  
17 this interrogatory seeks or necessarily relies upon a contention, and  
18 because this matter is in its early stages and pretrial discovery has only just  
19 begun, Responding Party is unable to provide a complete response at this  
20 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
21 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
22 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
23 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
24 interrogatory need not be answered until designated discovery is complete,  
25 or until a pretrial conference or some other time.").

26 Responding Party further objects to this interrogatory as unduly  
27 burdensome, harassing, and duplicative of information disclosed in  
28 Responding Party's Rule 26(a) disclosures and supplemental disclosures.

1 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
2 and supplemental disclosures for the information sought by this  
3 interrogatory. Moreover, Responding Party had the opportunity to depose  
4 Mr. Spencer on this topic.

5 Responding Party further objects to this interrogatory as compound.  
6 This "interrogatory" contains multiple impermissible subparts, which  
7 Propounding Party has propounded to circumvent the numerical limitations  
8 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

9 Responding Party further objects to this interrogatory on the grounds  
10 that it seeks information that is outside of Responding Party's knowledge.

11 Responding Party further objects to the extent that this interrogatory  
12 invades attorney-client privilege and/or violates the work product doctrine by  
13 compelling Responding Party to disclose privileged communications and/or  
14 litigation strategy.

15 Subject to and without waiver of the foregoing objections, Responding  
16 Party responds as follows:

17 In addition to each defendant named in his individual capacity and  
18 other persons identified in Plaintiffs' initial and supplemental disclosures, and  
19 the evidence submitted in support of Plaintiffs motion for class certification,  
20 Responding Party identifies the following individuals:

21 Cory Spencer: Spencer believes that Blakeman engaged in a  
22 concerted effort with other Bay Boys to obstruct his free passage and use in  
23 the customary manner of a public space. Spencer also believes that  
24 Blakeman coordinated with other Bay Boys to assault Spencer while he was  
25 surfing. Spencer believes that the conduct directed at him others trying to  
26 surf Lunada Bay is part of an agreement among Blakeman and the other  
27 Bay Boys, which at a minimum, may be implied by the conduct of the parties  
28 and other members of the Bay Boys. Spencer believes that the Bay Boys

1 concerted efforts to stop the public from accessing the beach are  
2 documented in text messages and emails some of which have been  
3 destroyed or are being withheld by the Defendants in this case. For  
4 example, on February 5, 2016, Charles Mowat sent a text message to  
5 Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy Patch,  
6 Defendant Michael Papayans and several others that said "There are 5  
7 kooks standing on the bluff taking pictures...I think that same Taloa guy.  
8 Things could get ugly." A Los Angeles Times photographer captured a  
9 pictured of Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs  
10 believe that the Bay Boys take photos and/or video tape people as a form of  
11 harassment and intimidation. For example, plaintiffs are also informed and  
12 believe that a Lunada Bay local named Joshua Berstein was taking pictures  
13 at the MLK 2014 paddle out. Plaintiffs are also informed and believe that  
14 Berstein told several people after he photographed them "know we know  
15 who you are." As another example, there are emails from Sang Lee  
16 discussing the Bay Boys concerted efforts to stop the public from accessing  
17 the beach.

18 The specific acts directed against Spencer include but are not limited  
19 to the following:

20 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly  
21 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.  
22 They were told that they couldn't surf there, and Spencer was called a  
23 "kook," which is a derogatory surfing term. Spencer was also told: "why don't  
24 you fucking go home, you fucking kook" and asked "how many other good  
25 places did you pass to come here?" These are the same types of statements  
26 made by Defendant Sang Lee and others that can be observed on the video

27  
28

1 published by the Guardian.<sup>12</sup> These taunts started while Spencer and Taloa  
2 were on the bluffs getting ready to surf. One individual continued to heckle  
3 Spencer and Taloa on their way down to the beach and into the water.

4       Blakeman was already in the water and began paddling around  
5 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
6 There was no legitimate reason for this conduct.<sup>13</sup> Spencer believes that this  
7 is a tactic used by the Bay Boys to harass people. Blakeman impeded  
8 Spencer's movement in any direction and was intentionally blocking him  
9 from catching any waves. It was clear to Spencer that Blakeman was not  
10 there to surf that morning. Instead, his mission was to prevent Spencer and  
11 Taloa from surfing and to keep them from enjoying their time in the water,  
12 the open space, the waves, and nature. This the type of concerted effort was  
13 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
14 people from surfing at Lunada Bay. In the approximately 90 minutes that  
15 Spencer was in the water that day, Blakeman was focused on Spencer and  
16 Taloa and continued to shadow their movements, and sit uncomfortably  
17 close to them. Spencer had never experienced anything like that before in  
18 his life. It was bizarre but also incredibly frightening and disturbing. It  
19 appeared to Spencer that Blakeman was coordinating his actions with a  
20 group of guys who were standing in the Rock Fort, along with others in the  
21 water. They were all talking to each other and it was clear they all knew  
22 each other.

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25       <sup>12</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26       <sup>13</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
27 message describing similar conduct: "We just had a kook out in the water  
28 and me and Jack just sat on his ass."

1       At one point while Spencer was in the water and was paddling west  
2 out to the ocean, he saw a man surfing, coming in east towards the shore.  
3 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
4 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
5 half-inch scar from where this man ran him over. As soon as the Bay Boy  
6 ran him over, he started berating Spencer, saying things like "what are you  
7 fucking doing out here? I told you to go home. I should have run you over.  
8 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
9 was pretending that he didn't see Spencer but it was obvious that he did and  
10 intentionally ran him over. With over 30 years of surfing experience, Spencer  
11 knew that this collision was intentional on his part. Fearful of being further  
12 injured at that point, and not wanting to get into an argument with him,  
13 Spencer just paddled away. Spencer and Taloa caught one more wave after  
14 that and then decided it was getting too dangerous to surf. More men started  
15 showing up at the Rock Fort and Spencer and Taloa were growing  
16 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
17 These incidents are described in the declarations filed with Plaintiffs motion  
18 for class certification and the deposition of Spencer.

19       Spencer further identifies the following individuals as having  
20 knowledge of concerted efforts by the Bay Boys, including Blakeman:

21       Christopher Taloa. As set forth above, Taloa and Spencer went surfing  
22 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
23 shadowing Spencer's movement in the water. Blakeman was in the water  
24 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
25 toward Taloa, at which point Taloa told him that he was too close.  
26 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
27 Taloa kept moving in the water, and Blakeman attempted to keep up with  
28 him but was not in good enough shape to do so.

1 Plaintiffs are also informed and believe that a Lunada Bay local named  
2 Joshua Berstein was taking pictures at the MLK 2014 paddle out. Plaintiffs  
3 are also informed and believe that Berstein told several people after he  
4 photographed them “know we know who you are.” Plaintiffs are informed  
5 and believe that the Bay Boys use cameras to harass and intimidate people.  
6 These incidents are described in the declarations filed with Plaintiffs motion  
7 for class certification and the deposition of Taloa.

8 Diana Milena Reed. As set forth in the Complaint, Reed was harassed  
9 by Blakeman and other Lunada Bay locals on multiple occasions. On  
10 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan  
11 Wright and harassed them. Blakeman was there filming the incidentOn or  
12 about February 12, 2016, The Los Angeles Times published an article called  
13 “Bay Boys surfer gang cannot block access to upscale beach, Coastal  
14 Commission says.” Jordan Wright and Cory Spencer are quoted in the  
15 article. Mr. Wright and a few others had planned to surf Lunada Bay the  
16 following morning. Plaintiffs are informed and believe that Defendants  
17 Johnston and Blakeman learned that Jordan Wright and Diana Reed were  
18 going to Lunada Bay and planned to be there to harass them. On February  
19 12, 2016, Defendant Alan Johnston sent the following text messages to an  
20 unknown recipient: “No fucking way Taloa is back this year” and “If u really  
21 wanna be a bay boy we might meet help tomm.” On February 13, 2016,  
22 Reed and Wright returned to Lunada Bay. After Reed and Wright had  
23 continued down the path, Blakeman and Defendant Alan Johnston rushed  
24 into the Rock Fort where Reed was taking photos; the assault appeared to  
25 be a coordinated and orchestrated and in retaliation for an article that  
26 appeared in the Los Angeles Times. Blakeman was filming Reed and had  
27 his camera close to her face. Reed asked why he was filming her, and  
28 Blakeman responded, “Because I feel like it,” and Johnston responded,

1 "Because you're hot." Charlie Ferrara was present during this incident, and  
2 observed the entire thing. Although Ferrara apologized later for their  
3 behavior, he appeared to be complicit in Blakeman and Johnston's actions.  
4 These incidents are described in the declarations filed with Plaintiffs motion  
5 for class certification and the deposition of Reed. Plaintiffs are informed and  
6 believe that after the incident Defendant Johnston started calling and/or  
7 texting other Lunada Bay locals to check for police to plan a getaway. At  
8 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't  
9 see any cops at the top." Plaintiffs are informed and believe that later that  
10 day Johnston received a text from his mother asking him "What happened at  
11 the bay?" Johnston replied "Nothing happened really just couple of trolls  
12 they got nothing."

13 Jen Bell. The incident described above was witnessed by a woman  
14 named Jen Bell who had gone to Lunada Bay that same day to photograph  
15 a guy from Malibu. When she attempted sit down on the beach with her  
16 pack, a man said: "You are practically sitting in a men's locker-room. You  
17 don't make me feel comfortable". Bell continued to sit there for another 10  
18 mins because she refused to be intimidated but decided to head over to the  
19 fort because she saw another woman, Diana Reed, was taking photos. Bell  
20 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious  
21 from the start that Johnston and Blakeman were there with the intent to  
22 harass Reed. Johnston was making rude comments to both her and Reed.  
23 Blakeman was putting the GoPro in their faces. Johnston was chugging  
24 multiple beers and it was early in the morning. Johnston asked her to help  
25 him with his wetsuit. He said "Can you help me with this?" and handed her  
26 the leg of his wetsuit. Johnston made moaning sounds when she took it like  
27 he was having an orgasm.

28 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015

1 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
2 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
3 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
4 foot-high wave and was up riding for several seconds. Alan Johnston  
5 paddled the wrong way on this wave, dropped in on him going the wrong  
6 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
7 while going the wrong way violates normal surf etiquette. Johnston then  
8 collided with Wright, and their leashes got tangled. After they surfaced from  
9 the collision, Johnston then got close to Wright and yelled, "You had to  
10 fucking take that wave, didn't you!" The next wave that came through then  
11 broke Wright's leash plug and the board was carried into the rocks, which  
12 destroyed a new surfboard. Wright had to swim in over rocks to get his  
13 board and cut his hands on the rocks doing so. Wright is confident that  
14 Johnston was attempted to purposefully injure him. What he did was  
15 extremely dangerous.

16 Wright has observed Blakeman on many occasions. Blakeman is easy  
17 to identify because he rides a kneeboard and he is regularly filming visitors  
18 on land with a camcorder. Wright believes his filming is an effort to intimidate  
19 visitors. In the water, Wright has observed what appears to be Blakeman  
20 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
21 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
22 the visitors, impede their movements, block their surfing, kick at them,  
23 splash water at them, and dangerously drop in on them. In addition to  
24 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
25 Charlie Ferrara, and David Mello engage in this activity. These incidents are  
26 described in the declarations filed with Plaintiffs motion for class certification.

27 Ken Claypool has been harassed and filmed by Blakeman in an  
28 attempt to intimidate him at Lunada Bay on multiple occasions. In January

1 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
2 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
3 water, including Blakeman who paddled over and threatened them. Claypool  
4 observed Blakeman intentionally dropped in on Wright at least twice.

5 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa  
6 and Jordan Wright. There was a photographer from the Los Angeles Times  
7 that was there. Also in attendance was Cory Spencer and Diana Reed.  
8 Spencer was there to watch the cars. Blakeman was there filming in an  
9 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
10 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
11 are informed and believe that there was a text message sent that day to  
12 Papayans, Michael Theil and 11 other people stating that there were 5  
13 kooks standing on the bluff taking pictures, including Taloa. The text states:  
14 "Things could get ugly. We all need to surf." These incidents are described  
15 in the declarations filed with Plaintiffs motion for class certification.

16 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf  
17 Lunada Bay in January 2015. There were about five locals in the water,  
18 including Blakeman who paddled over and was yelling "Try and catch a  
19 wave and see what happens. There is no fucking way you are getting a  
20 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
21 possessed or possibly on drugs. His behavior got more bizarre throughout  
22 the morning. He seemed to be paddling for every wave that he could  
23 physically push himself into, perhaps to make a point, but he was wiping out  
24 a lot and falling down the face and tumbling across the rock reef. Blakeman  
25 looked dangerous to himself. When Blakeman would actually catch a wave  
26 in, he would paddle back to where Claypool and his brother were sitting, and  
27 continue his insane rant. On one occasion, Blakeman came less than 12  
28 inches from Claypool's ear and was screaming. It was so loud, Claypool had

1 to put his fingers in his ear to protect them from being damaged. Claypool is  
2 a sound engineer and to put this in perspective, a rock concert creates about  
3 120 decibels of noise - this was louder; a jet engine creates about 150  
4 decibels. At one point Blakeman caught a wave and drew a line aiming right  
5 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
6 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
7 intentionally dropped in on Jordan at least twice. It seemed obvious to  
8 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
9 them were having fun. Because this was getting dangerous, they decided to  
10 leave.

11       When Claypool and his brother got out of water, they saw people  
12 gathering on top of the cliff. One person was videotaping them from the top  
13 of the cliff; it was clear to Claypool that he was doing this to try and  
14 intimidate them. The people were watching them from the cliff. It was  
15 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
16 obstruct his free passage and use in the customary manner of a public  
17 space. It also seemed clear that Blakeman engaged in a concerted effort  
18 with other Bay Boys to try and injure him. These incidents are described in  
19 the declarations filed with Plaintiffs motion for class certification.

20       Jason Gersch. While observing the surf, Gersch was approached by  
21 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
22 individuals made it known to Gersch that he could not surf there. These  
23 incidents are described in the declarations filed with Plaintiffs motion for  
24 class certification.

25       Plaintiffs are informed and believe and on that basis allege that  
26 Defendant Blakeman and his attorneys are attempting to intimidate  
27 witnesses in this case. On at least two occasions, an investigator hired by  
28 Blakeman's attorneys contacted witnesses represented by Plaintiffs'

1 attorneys. The investigator also showed up at the home of a reporter that  
2 has not been listed as a witness.

3 The request is premature. Because Blakeman and the other  
4 defendants are refusing to comply with their obligations to produce  
5 documents under the federal rules and are impermissibly withholding  
6 evidence and/or possibly spoliating evidence, we are not able to fully  
7 respond to discovery requests which necessarily rely on our ability to fully  
8 investigate the facts. As discovery is continuing, Spencer reserves the right  
9 to update this response.

10 **INTERROGATORY NO. 8:**

11 IDENTIFY ALL PERSONS that have knowledge of any facts that  
12 support plaintiffs' First Cause of Action in the Complaint (Bane Act  
13 Violations) against BRANT BLAKEMAN, and for each such PERSON  
14 identified state all facts you contend are within that PERSON's knowledge.

15 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:**

16 Responding Party objects to this interrogatory as premature. Because  
17 this interrogatory seeks or necessarily relies upon a contention, and  
18 because this matter is in its early stages and pretrial discovery has only just  
19 begun, Responding Party is unable to provide a complete response at this  
20 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
21 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
22 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
23 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
24 interrogatory need not be answered until designated discovery is complete,  
25 or until a pretrial conference or some other time.").

26 Responding Party further objects to this interrogatory as unduly  
27 burdensome, harassing, and duplicative of information disclosed in  
28 Responding Party's Rule 26(a) disclosures and supplemental disclosures.

1 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
2 and supplemental disclosures for the information sought by this  
3 interrogatory. Moreover, Responding Party had the opportunity to depose  
4 Mr. Spencer on this topic.

5 Responding Party further objects to this interrogatory as compound.  
6 This "interrogatory" contains multiple impermissible subparts, which  
7 Propounding Party has propounded to circumvent the numerical limitations  
8 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

9 Responding Party further objects to this interrogatory on the grounds  
10 that it seeks information that is outside of Responding Party's knowledge.

11 Responding Party further objects to the extent that this interrogatory  
12 invades attorney-client privilege and/or violates the work product doctrine by  
13 compelling Responding Party to disclose privileged communications and/or  
14 litigation strategy.

15 Subject to and without waiver of the foregoing objections, Responding  
16 Party responds as follows:

17 In addition to each defendant named in his individual capacity and  
18 other persons identified in Plaintiffs' initial and supplemental disclosures, and  
19 the evidence submitted in support of Plaintiffs motion for class certification,  
20 Responding Party identifies the following individuals:

21 Cory Spencer: Spencer believes that Blakeman engaged in a  
22 concerted effort with other Bay Boys to obstruct his free passage and use in  
23 the customary manner of a public space. Spencer also believes that  
24 Blakeman coordinated with other Bay Boys to assault Spencer while he was  
25 surfing. Spencer believes that the conduct directed at him others trying to  
26 surf Lunada Bay is part of an agreement among Blakeman and the other  
27 Bay Boys, which at a minimum, may be implied by the conduct of the parties  
28 and other members of the Bay Boys. Spencer believes that the Bay Boys

1 concerted efforts to stop the public from accessing the beach are  
2 documented in text messages and emails some of which have been  
3 destroyed or are being withheld by the Defendants in this case. On February  
4 5, 2016, Charles Mowat sent a text message to Defendant Brant Blakeman,  
5 Tom Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans  
6 and several others that said "There are 5 kooks standing on the bluff taking  
7 pictures...I think that same Taloa guy. Things could get ugly. " A Los  
8 Angeles Times photographer captured a pictured of Defendant Blakeman of  
9 the bluff filming plaintiffs. As another example, there are emails from Sang  
10 Lee discussing the Bay Boys concerted efforts to stop the public from  
11 accessing the beach.

12 The specific acts directed against Spencer include but are not limited  
13 to the following:

14 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly  
15 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.  
16 They were told that they couldn't surf there, and Spencer was called a  
17 "kook," which is a derogatory surfing term. Spencer was also told: "why don't  
18 you fucking go home, you fucking kook" and asked "how many other good  
19 places did you pass to come here?" These are the same types of statements  
20 made by Defendant Sang Lee and others that can be observed on the video  
21 published by the Guardian.<sup>14</sup> These taunts started while Spencer and Taloa  
22 were on the bluffs getting ready to surf. One individual continued to heckle  
23 Spencer and Taloa on their way down to the beach and into the water.

24 Blakeman was already in the water and began paddling around

25 \_\_\_\_\_  
26 <sup>14</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

27  
28 (footnote continued)

1 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
2 There was no legitimate reason for this conduct. Spencer believes that this  
3 is a tactic used by the Bay Boys to harass people.<sup>15</sup> Blakeman impeded  
4 Spencer's movement in any direction and was intentionally blocking him  
5 from catching any waves. It was clear to Spencer that Blakeman was not  
6 there to surf that morning. Instead, his mission was to prevent Spencer and  
7 Taloa from surfing and to keep them from enjoying their time in the water,  
8 the open space, the waves, and nature. This the type of concerted effort was  
9 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
10 people from surfing at Lunada Bay. In the approximately 90 minutes that  
11 Spencer was in the water that day, Blakeman was focused on Spencer and  
12 Taloa and continued to shadow their movements, and sit uncomfortably  
13 close to them. Spencer had never experienced anything like that before in  
14 his life. It was bizarre but also incredibly frightening and disturbing. It  
15 appeared to Spencer that Blakeman was coordinating his actions with a  
16 group of guys who were standing in the Rock Fort, along with others in the  
17 water. They were all talking to each other and it was clear they all knew  
18 each other.

19 At one point while Spencer was in the water and was paddling west  
20 out to the ocean, he saw a man surfing, coming in east towards the shore.  
21 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
22 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
23 half-inch scar from where this man ran him over. As soon as the Bay Boy  
24 ran him over, he started berating Spencer, saying things like "what are you

25  
26 \_\_\_\_\_  
27 <sup>15</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
28 message describing similar conduct: "We just had a kook out in the water  
and me and Jack just sat on his ass."

1 fucking doing out here? I told you to go home. I should have run you over.  
2 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
3 was pretending that he didn't see Spencer but it was obvious that he did and  
4 intentionally ran him over. With over 30 years of surfing experience, Spencer  
5 knew that this collision was intentional on his part. Fearful of being further  
6 injured at that point, and not wanting to get into an argument with him,  
7 Spencer just paddled away. Spencer and Taloa caught one more wave after  
8 that and then decided it was getting too dangerous to surf. More men started  
9 showing up at the Rock Fort and Spencer and Taloa were growing  
10 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
11 These incidents are described in the declarations filed with Plaintiffs motion  
12 for class certification and the deposition of Spencer.

13 Spencer further identifies the following individuals as having  
14 knowledge of concerted efforts by the Bay Boys, including Blakeman:

15 Christopher Taloa. As set forth above, Taloa and Spencer went surfing  
16 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
17 shadowing Spencer's movement in the water. Blakeman was in the water  
18 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
19 toward Taloa, at which point Taloa told him that he was too close.  
20 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
21 Taloa kept moving in the water, and Blakeman attempted to keep up with  
22 him but was not in good enough shape to do so.

23 Plaintiffs are also informed and believe that a Lunada Bay local named  
24 Joshua Bernstein was taking pictures at the MLK 2014 paddle out. Plaintiffs  
25 are also informed and believe that Bernstein told several people after he  
26 photographed them "know we know who you are." Plaintiffs are informed  
27 and believe that the Bay Boys use cameras to harass and intimidate people.  
28 These incidents are described in the declarations filed with Plaintiffs motion

1 for class certification and the deposition of Taloa.

2 Diana Milena Reed. As set forth in the Complaint, Reed was harassed  
3 by Blakeman and other Lunada Bay locals on multiple occasions. On  
4 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan  
5 Wright and harassed them. Blakeman was there filming the incident.<sup>16</sup> On  
6 or about February 12, 2016, The Los Angeles Times published an article  
7 called “Bay Boys surfer gang cannot block access to upscale beach, Coastal  
8 Commission says.” Jordan Wright and Cory Spencer are quoted in the  
9 article. Mr. Wright and a few others had planned to surf Lunada Bay the  
10 following morning. Plaintiffs are informed and believe that Defendants  
11 Johnston and Blakeman learned that Jordan Wright and Diana Reed were  
12 going to Lunada Bay and planned to be there to harass them. On February  
13 12, 2016, Defendant Alan Johnston sent the following text messages to an  
14 unknown recipient: “No fucking way Taloa is back this year” and “If u really  
15 wanna be a bay boy we might meet help tomm.” On February 13, 2016,  
16 Reed and Wright returned to Lunada Bay. After Reed and Wright had  
17 continued down the path, Blakeman and Defendant Alan Johnston rushed  
18 into the Rock Fort where Reed was taking photos; the assault appeared to  
19 be a coordinated and orchestrated and in retaliation for an article that  
20 appeared in the Los Angeles Times. Blakeman was filming Reed and had  
21 his camera close to her face. Reed asked why he was filming her, and  
22 Blakeman responded, “Because I feel like it,” and Johnston responded,  
23 “Because you’re hot.” Charlie Ferrara was present during this incident, and  
24

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25  
26 <sup>16</sup> Plaintiffs are informed and believe that there were text message sent on  
27 January 29, 2016 asking Defendant Papayans “Where are you? Kooks  
28 trying to get to the Bay.” Plaintiffs are informed and believe that Papayans  
responded with a “LOL” and said he would be there.

1 observed the entire thing. Although Ferrara apologized later for their  
2 behavior, he appeared to be complicit in Blakeman and Johnston's actions.  
3 These incidents are described in the declarations filed with Plaintiffs motion  
4 for class certification and the deposition of Reed. Plaintiffs are informed and  
5 believe that after the incident Defendant Johnston started calling and/or  
6 texting other Lunada Bay locals to check for police to plan a getaway. At  
7 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't  
8 see any cops at the top." Plaintiffs are informed and believe that later that  
9 day Johnston received a text from his mother asking him "What happened at  
10 the bay?" Johnston replied "Nothing happened really just couple of trolls  
11 they got nothing."

12 Jen Bell. The incident described above was witnessed by a woman  
13 named Jen Bell who had gone to Lunada Bay that same day to photograph  
14 a guy from Malibu. When she attempted sit down on the beach with her  
15 pack, a man said: "You are practically sitting in a men's locker-room. You  
16 don't make me feel comfortable". Bell continued to sit there for another 10  
17 mins because she refused to be intimated but decided to head over to the  
18 fort because she saw another woman, Diana Reed, was taking photos. Bell  
19 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious  
20 from the start that Johnston and Blakeman were there with the intent to  
21 harass Reed. Johnston was making rude comments to both her and Reed.  
22 Blakeman was putting the GoPro in their faces. Johnston was chugging  
23 multiple beers and it was early in the morning. Johnston asked her to help  
24 him with his wetsuit. He said "Can you help me with this?" and handed her  
25 the leg of his wetsuit. Johnston made moaning sounds when she took it like  
26 he was having an orgasm.

27 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015  
28 with Chris Claypool and Kenneth Claypool. He observed Blakeman

1 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
2 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
3 foot-high wave and was up riding for several seconds. Alan Johnston  
4 paddled the wrong way on this wave, dropped in on him going the wrong  
5 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
6 while going the wrong way violates normal surf etiquette. Johnston then  
7 collided with Wright, and their leashes got tangled. After they surfaced from  
8 the collision, Johnston then got close to Wright and yelled, "You had to  
9 fucking take that wave, didn't you!" The next wave that came through then  
10 broke Wright's leash plug and the board was carried into the rocks, which  
11 destroyed a new surfboard. Wright had to swim in over rocks to get his  
12 board and cut his hands on the rocks doing so. Wright is confident that  
13 Johnston was attempted to purposefully injure him. What he did was  
14 extremely dangerous.

15 Wright has observed Blakeman on many occasions. Blakeman is easy  
16 to identify because he rides a kneeboard and he is regularly filming visitors  
17 on land with a camcorder. Wright believes his filming is an effort to intimidate  
18 visitors. In the water, Wright has observed what appears to be Blakeman  
19 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
20 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
21 the visitors, impede their movements, block their surfing, kick at them,  
22 splash water at them, and dangerously drop in on them. In addition to  
23 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
24 Charlie Ferrara, and David Mello engage in this activity. These incidents are  
25 described in the declarations filed with Plaintiffs motion for class certification.

26 Ken Claypool has been harassed and filmed by Blakeman in an  
27 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
28 2015, Claypool and his brother Chris Claypool along with Jordan Wright

1 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
2 water, including Blakeman who paddled over and threatened them. Claypool  
3 observed Blakeman intentionally dropped in on Wright at least twice.

4 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa  
5 and Jordan Wright. There was a photographer from the Los Angeles Times  
6 that was there. Also in attendance was Cory Spencer and Diana Reed.  
7 Spencer was there to watch the cars. Blakeman was there filming in an  
8 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
9 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
10 are informed and believe that there was a text message sent that day to  
11 Papayans, Michael Theil and 11 other people stating that there were 5  
12 kooks standing on the bluff taking pictures, including Taloa. The text states:  
13 "Things could get ugly. We all need to surf." These incidents are described  
14 in the declarations filed with Plaintiffs motion for class certification.

15 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf  
16 Lunada Bay in January 2015. There were about five locals in the water,  
17 including Blakeman who paddled over and was yelling "Try and catch a  
18 wave and see what happens. There is no fucking way you are getting a  
19 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
20 possessed or possibly on drugs. His behavior got more bizarre throughout  
21 the morning. He seemed to be paddling for every wave that he could  
22 physically push himself into, perhaps to make a point, but he was wiping out  
23 a lot and falling down the face and tumbling across the rock reef. Blakeman  
24 looked dangerous to himself. When Blakeman would actually catch a wave  
25 in, he would paddle back to where Claypool and his brother were sitting, and  
26 continue his insane rant. On one occasion, Blakeman came less than 12  
27 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
28 to put his fingers in his ear to protect them from being damaged. Claypool is

1 a sound engineer and to put this in perspective, a rock concert creates about  
2 120 decibels of noise - this was louder; a jet engine creates about 150  
3 decibels. At one point Blakeman caught a wave and drew a line aiming right  
4 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
5 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
6 intentionally dropped in on Jordan at least twice. It seemed obvious to  
7 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
8 them were having fun. Because this was getting dangerous, they decided to  
9 leave.

10 When Claypool and his brother got out of water, they saw people  
11 gathering on top of the cliff. One person was videotaping them from the top  
12 of the cliff; it was clear to Claypool that he was doing this to try and  
13 intimidate them. The people were watching them from the cliff. It was  
14 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
15 obstruct his free passage and use in the customary manner of a public  
16 space. It also seemed clear that Blakeman engaged in a concerted effort  
17 with other Bay Boys to try and injure him. These incidents are described in  
18 the declarations filed with Plaintiffs motion for class certification.

19 Jason Gersch. While observing the surf, Gersch was approached by  
20 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
21 individuals made it known to Gersch that he could not surf there. These  
22 incidents are described in the declarations filed with Plaintiffs motion for  
23 class certification.

24 Plaintiffs are informed and believe and on that basis allege that  
25 Defendant Blakeman and his attorneys are attempting to intimidate  
26 witnesses in this case. On at least two occasions, an investigator hired by  
27 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
28 attorneys. The investigator also showed up at the home of a reporter that

1 has not been listed as a witness.

2        The request is premature. Because Blakeman and the other  
3 defendants are refusing to comply with their obligations to produce  
4 documents under the federal rules and are impermissibly withholding  
5 evidence and/or possibly spoliating evidence, we are not able to fully  
6 respond to discovery requests which necessarily rely on our ability to fully  
7 investigate the facts. As discovery is continuing, Spencer reserves the right  
8 to update this response.

9 **INTERROGATORY NO. 9:**

10        IDENTIFY ALL PERSONS that have knowledge of any facts that  
11 support plaintiffs' Second Cause of Action in the Complaint (Public  
12 Nuisance) against BRANT BLAKEMAN, and for each such PERSON  
13 identified state all facts you contend are within that PERSON's knowledge

14 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:**

15        Responding Party objects to this interrogatory as premature. Because  
16 this interrogatory seeks or necessarily relies upon a contention, and  
17 because this matter is in its early stages and pretrial discovery has only just  
18 begun, Responding Party is unable to provide a complete response at this  
19 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
20 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
21 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
22 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
23 interrogatory need not be answered until designated discovery is complete,  
24 or until a pretrial conference or some other time.").

25        Responding Party further objects to this interrogatory as unduly  
26 burdensome, harassing, and duplicative of information disclosed in  
27 Responding Party's Rule 26(a) disclosures and supplemental disclosures.  
28 Propounding Party may look to Responding Party's Rule 26(a) disclosures

1 and supplemental disclosures for the information sought by this  
2 interrogatory. Moreover, Responding Party had the opportunity to depose  
3 Mr. Spencer on this topic.

4 Responding Party further objects to this interrogatory as compound.  
5 This "interrogatory" contains multiple impermissible subparts, which  
6 Propounding Party has propounded to circumvent the numerical limitations  
7 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

8 Responding Party further objects to this interrogatory on the grounds  
9 that it seeks information that is outside of Responding Party's knowledge.

10 Responding Party further objects to the extent that this interrogatory  
11 invades attorney-client privilege and/or violates the work product doctrine by  
12 compelling Responding Party to disclose privileged communications and/or  
13 litigation strategy.

14 Subject to and without waiver of the foregoing objections, Responding  
15 Party responds as follows:

16 In addition to each defendant named in his individual capacity and  
17 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,  
18 and the evidence submitted in support of Plaintiffs motion for class  
19 certification, Responding Party identifies the following individuals:

20 Cory Spencer: Spencer believes that Blakeman engaged in a  
21 concerted effort with other Bay Boys to obstruct his free passage and use in  
22 the customary manner of a public space. Spencer also believes that  
23 Blakeman coordinated with other Bay Boys to assault him while he was  
24 surfing. Spencer believes that the conduct directed at him and others trying  
25 to surf Lunada Bay is part of an agreement among Blakeman and the other  
26 Bay Boys, which at a minimum, may be implied by the conduct of the parties  
27 and other members of the Bay Boys. Spencer believes that the Bay Boys  
28 concerted efforts to stop the public from accessing the beach are

1 documented in text messages and emails some of which have been  
2 destroyed or are being withheld by the Defendants in this case. On February  
3 5, 2016, Charles Mowat sent a text message to Defendant Brant Blakeman,  
4 Tom Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans  
5 and several others that said "There are 5 kooks standing on the bluff taking  
6 pictures...I think that same Taloa guy. Things could get ugly." A Los Angeles  
7 Times photographer captured a pictured of Defendant Blakeman of the bluff  
8 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos and/or  
9 video tape people as a form of harassment and intimidation. For example,  
10 plaintiffs are also informed and believe that a Lunada Bay local named  
11 Joshua Berstein was taking pictures at the MLK 2014 paddle out. Plaintiffs  
12 are also informed and believe that Berstein told several people after he  
13 photographed them "know we know who you are."

14 The specific acts directed against Spencer include but are not limited  
15 to the following:

16 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly  
17 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.  
18 They were told that they couldn't surf there, and Spencer was called a  
19 "kook," which is a derogatory surfing term. Spencer was also told: "why don't  
20 you fucking go home, you fucking kook" and asked "how many other good  
21 places did you pass to come here?" These are the same types of statements  
22 made by Defendant Sang Lee and others that can be observed on the video  
23 published by the Guardian.<sup>17</sup> These taunts started while Spencer and Taloa  
24 were on the bluffs getting ready to surf. One individual continued to heckle  
25 Spencer and Taloa on their way down to the beach and into the water.

26 \_\_\_\_\_  
27 <sup>17</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.  
28

1        Blakeman was already in the water and began paddling around  
2 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
3 There was no legitimate reason for this conduct. Spencer believes that this  
4 is a tactic used by the Bay Boys to harass people.<sup>18</sup> Blakeman impeded  
5 Spencer's movement in any direction and was intentionally blocking him  
6 from catching any waves. It was clear to Spencer that Blakeman was not  
7 there to surf that morning. Instead, his mission was to prevent Spencer and  
8 Taloa from surfing and to keep them from enjoying their time in the water,  
9 the open space, the waves, and nature. This the type of concerted effort was  
10 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
11 people from surfing at Lunada Bay. In the approximately 90 minutes that  
12 Spencer was in the water that day, Blakeman was focused on Spencer and  
13 Taloa and continued to shadow their movements, and sit uncomfortably  
14 close to them. Spencer had never experienced anything like that before in  
15 his life. It was bizarre but also incredibly frightening and disturbing. It  
16 appeared to Spencer that Blakeman was coordinating his actions with a  
17 group of guys who were standing in the Rock Fort, along with others in the  
18 water. They were all talking to each other and it was clear they all knew  
19 each other.

20        At one point while Spencer was in the water and was paddling west  
21 out to the ocean, he saw a man surfing, coming in east towards the shore.  
22 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
23 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
24 half-inch scar from where this man ran him over. As soon as the Bay Boy

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26       <sup>18</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
27 message describing similar conduct: "We just had a kook out in the water  
28 and me and Jack just sat on his ass."

1 ran him over, he started berating Spencer, saying things like "what are you  
2 fucking doing out here? I told you to go home. I should have run you over.  
3 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
4 was pretending that he didn't see Spencer but it was obvious that he did and  
5 intentionally ran him over. With over 30 years of surfing experience, Spencer  
6 knew that this collision was intentional on his part. Fearful of being further  
7 injured at that point, and not wanting to get into an argument with him,  
8 Spencer just paddled away. Spencer and Taloa caught one more wave after  
9 that and then decided it was getting too dangerous to surf. More men started  
10 showing up at the Rock Fort and Spencer and Taloa were growing  
11 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
12 These incidents are described in the declarations filed with Plaintiffs motion  
13 for class certification and the deposition of Spencer.

14 Spencer further identifies the following individuals as having  
15 knowledge of concerted efforts by the Bay Boys, including Blakeman:

16 Christopher Taloa. As set forth above, Taloa and Spencer went surfing  
17 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
18 shadowing Spencer's movement in the water. Blakeman was in the water  
19 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
20 toward Taloa, at which point Taloa told him that he was too close.  
21 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
22 Taloa kept moving in the water, and Blakeman attempted to keep up with  
23 him but was not in good enough shape to do so.

24 Diana Milena Reed. As set forth in the Complaint, Reed was harassed  
25 by Blakeman and other Lunada Bay locals on multiple occasions. On  
26 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan  
27  
28

1 Wright and harassed them. Blakeman was there filming the incident.<sup>19</sup> On  
2 or about February 12, 2016, The Los Angeles Times published an article  
3 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal  
4 Commission says." Jordan Wright and Cory Spencer are quoted in the  
5 article. Mr. Wright and a few others had planned to surf Lunada Bay the  
6 following morning. Plaintiffs are informed and believe that Defendants  
7 Johnston and Blakeman learned that Jordan Wright and Diana Reed were  
8 going to Lunada Bay and planned to be there to harass them. On February  
9 12, 2016, Defendant Alan Johnston sent the following text messages to an  
10 unknown recipient: "No fucking way Taloa is back this year" and "If u really  
11 wanna be a bay boy we might meet help tomm." On February 13, 2016,  
12 Reed and Wright returned to Lunada Bay. After Reed and Wright had  
13 continued down the path, Blakeman and Defendant Alan Johnston rushed  
14 into the Rock Fort where Reed was taking photos; the assault appeared to  
15 be a coordinated and orchestrated and in retaliation for an article that  
16 appeared in the Los Angeles Times. Blakeman was filming Reed and had  
17 his camera close to her face. Reed asked why he was filming her, and  
18 Blakeman responded, "Because I feel like it," and Johnston responded,  
19 "Because you're hot." Charlie Ferrara was present during this incident, and  
20 observed the entire thing. Although Ferrara apologized later for their  
21 behavior, he appeared to be complicit in Blakeman and Johnston's actions.  
22 These incidents are described in the declarations filed with Plaintiffs motion  
23 for class certification and the deposition of Reed. Plaintiffs are informed and  
24

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25  
26 <sup>19</sup> Plaintiffs are informed and believe that there were text message sent on  
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks  
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans  
responded with a "LOL" and said he would be there.

1 believe that after the incident Defendant Johnston started calling and/or  
2 texting other Lunada Bay locals to check for police to plan a getaway. At  
3 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't  
4 see any cops at the top." Plaintiffs are informed and believe that later that  
5 day Johnston received a text from his mother asking him "What happened at  
6 the bay?" Johnston replied "Nothing happened really just couple of trolls  
7 they got nothing."

8 Jen Bell. The incident described above was witnessed by a woman  
9 named Jen Bell who had gone to Lunada Bay that same day to photograph  
10 a guy from Malibu. When she attempted sit down on the beach with her  
11 pack, a man said: "You are practically sitting in a men's locker-room. You  
12 don't make me feel comfortable". Bell continued to sit there for another 10  
13 minutes because she refused to be intimidated but eventually decided to head  
14 over to the fort because she saw another woman, Diana Reed, was taking  
15 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It  
16 was obvious from the start that Johnston and Blakeman were there with the  
17 intent to harass Reed. Johnston was making rude comments to both her and  
18 Reed. Blakeman was putting the GoPro in their faces. Johnston was  
19 chugging multiple beers and it was early in the morning. Johnston asked her  
20 to help him with his wetsuit. He said "Can you help me with this?" and  
21 handed her the leg of his wetsuit. Johnston made moaning sounds when  
22 she took it like he was having an orgasm.

23 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015  
24 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
25 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
26 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
27 foot-high wave and was up riding for several seconds. Alan Johnston  
28 paddled the wrong way on this wave, dropped in on him going the wrong

1 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
2 while going the wrong way violates normal surf etiquette. Johnston then  
3 collided with Wright, and their leashes got tangled. After they surfaced from  
4 the collision, Johnston then got close to Wright and yelled, "You had to  
5 fucking take that wave, didn't you!" The next wave that came through then  
6 broke Wrights leash plug and the board was carried into the rocks, which  
7 destroyed a new surfboard. Wright had to swim in over rocks to get his  
8 board and cut his hands on the rocks doing so. Wright is confident that  
9 Johnston attempted to purposefully injure him. What he did was extremely  
10 dangerous.

11 Wright has observed Blakeman on many occasions. Blakeman is easy  
12 to identify because he rides a kneeboard and he is regularly filming visitors  
13 on land with a camcorder. Wright believes his filming is an effort to intimidate  
14 visitors. In the water, Wright has observed what appears to be Blakeman  
15 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
16 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
17 the visitors, impede their movements, block their surfing, kick at them,  
18 splash water at them, and dangerously drop in on them. In addition to  
19 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
20 Charlie Ferrara, and David Mello engage in this activity. These incidents are  
21 described in the declarations filed with Plaintiffs motion for class certification.

22 Ken Claypool has been harassed and filmed by Blakeman in an  
23 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
24 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
25 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
26 water, including Blakeman who paddled over and threatened them. Claypool  
27 observed Blakeman intentionally dropped in on Wright at least twice.

28 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa

1 and Jordan Wright. There was a photographer from the Los Angeles Times  
2 that was there. Also in attendance was Cory Spencer and Diana Reed.  
3 Spencer was there to watch the cars. Blakeman was there filming in an  
4 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
5 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
6 are informed and believe that there was a text message sent that day to  
7 Papayans, Michael Theil and 11 other people stating that there were 5  
8 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
9 informed that the text states: "Things could get ugly. We all need to surf."  
10 These incidents are described in the declarations filed with Plaintiffs motion  
11 for class certification.

12 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf  
13 Lunada Bay in January 2015. There were about five locals in the water,  
14 including Blakeman who paddled over and was yelling "Try and catch a  
15 wave and see what happens. There is no fucking way you are getting a  
16 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
17 possessed or possibly on drugs. His behavior got more bizarre throughout  
18 the morning. He seemed to be paddling for every wave that he could  
19 physically push himself into, perhaps to make a point, but he was wiping out  
20 a lot and falling down the face and tumbling across the rock reef. Blakeman  
21 looked dangerous to himself. When Blakeman would actually catch a wave  
22 in, he would paddle back to where Claypool and his brother were sitting, and  
23 continue his insane rant. On one occasion, Blakeman came less than 12  
24 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
25 to put his fingers in his ear to protect them from being damaged. Claypool is  
26 a sound engineer and to put this in perspective, a rock concert creates about  
27 120 decibels of noise - this was louder; a jet engine creates about 150  
28 decibels. At one point Blakeman caught a wave and drew a line aiming right

1 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
2 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
3 intentionally dropped in on Jordan at least twice. It seemed obvious to  
4 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
5 them were having fun. Because of the danger, they decided to leave.

6       When Claypool and his brother got out of water, they saw people  
7 gathering on top of the cliff. One person was videotaping them from the top  
8 of the cliff; it was clear to Claypool that he was doing this to try and  
9 intimidate them. The people were watching them from the cliff. It was  
10 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
11 obstruct his free passage and use in the customary manner of a public  
12 space. It also seemed clear that Blakeman engaged in a concerted effort  
13 with other Bay Boys to try and injure him. These incidents are described in  
14 the declarations filed with Plaintiffs motion for class certification.

15       Jason Gersch. While observing the surf, Gersch was approached by  
16 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
17 individuals made it known to Gersch that he could not surf there. These  
18 incidents are described in the declarations filed with Plaintiffs motion for  
19 class certification.

20       Plaintiffs are informed and believe and on that basis allege that  
21 Defendant Blakeman and his attorneys are attempting to intimidate  
22 witnesses in this case. On at least two occasions, an investigator hired by  
23 Blakeman's attorneys contacted witnesses they knew were represented by  
24 Plaintiffs' attorneys. The investigator also showed up at the home of a  
25 reporter that has not been listed as a witness.

26       The request is premature. Because Blakeman and the other  
27 defendants are refusing to comply with their obligations to produce  
28 documents under the federal rules and are impermissibly withholding

1 evidence and/or possibly spoliating evidence, we are not able to fully  
2 respond to discovery requests which necessarily rely on our ability to fully  
3 investigate the facts. As discovery is continuing, Spencer reserves the right  
4 to update this response.

5 **INTERROGATORY NO. 10:**

6 IDENTIFY ALL PERSONS that have knowledge of any facts that  
7 support plaintiffs' Sixth Cause of Action in the Complaint (Assault) against  
8 BRANT BLAKEMAN, and for each such PERSON identified state all facts  
9 you contend are within that PERSON's knowledge.

10 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:**

11 Responding Party objects to this interrogatory as premature. Because  
12 this interrogatory seeks or necessarily relies upon a contention, and  
13 because this matter is in its early stages and pretrial discovery has only just  
14 begun, Responding Party is unable to provide a complete response at this  
15 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
16 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
17 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
18 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
19 interrogatory need not be answered until designated discovery is complete,  
20 or until a pretrial conference or some other time.").

21 Responding Party further objects to this interrogatory as unduly  
22 burdensome, harassing, and duplicative of information disclosed in  
23 Responding Party's Rule 26(a) disclosures and supplemental disclosures.  
24 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
25 and supplemental disclosures for the information sought by this  
26 interrogatory. Moreover, Responding Party had the opportunity to depose  
27 Mr. Spencer on this topic.

28 Responding Party further objects to this interrogatory as compound.

1 This "interrogatory" contains multiple impermissible subparts, which  
2 Propounding Party has propounded to circumvent the numerical limitations  
3 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

4 Responding Party further objects to this interrogatory on the grounds  
5 that it seeks information that is outside of Responding Party's knowledge.

6 Responding Party further objects to the extent that this interrogatory  
7 invades attorney-client privilege and/or violates the work product doctrine by  
8 compelling Responding Party to disclose privileged communications and/or  
9 litigation strategy.

10 Subject to and without waiver of the foregoing objections, Responding  
11 Party responds as follows:

12 In addition to each defendant named in his individual capacity and  
13 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,  
14 and the evidence submitted in support of Plaintiffs motion for class  
15 certification, Responding Party identifies the following individuals:

16 Cory Spencer: Spencer believes that Blakeman engaged in a  
17 concerted effort with other Bay Boys to obstruct his free passage and use in  
18 the customary manner of a public space. Spencer also believes that  
19 Blakeman coordinated with other Bay Boys to assault him while he was  
20 surfing. Spencer believes that the conduct directed at him and others trying  
21 to surf Lunada Bay is part of an agreement among Blakeman and the other  
22 Bay Boys, which at a minimum, may be implied by the conduct of the parties  
23 and other members of the Bay Boys. Spencer believes that the Bay Boys  
24 concerted efforts to stop the public from accessing the beach are  
25 documented in text messages and emails some of which have been  
26 destroyed or are being withheld by the Defendants in this case. For  
27 example, on February 5, 2016, Charles Mowat sent a text message to  
28 Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy Patch,

1 Defendant Michael Papayans and several others that said "There are 5  
2 kooks standing on the bluff taking pictures...I think that same Taloa guy.  
3 Things could get ugly." A Los Angeles Times photographer captured a  
4 pictured of Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs  
5 believe that the Bay Boys take photos and/or video tape people as a form of  
6 harassment and intimidation. For example, plaintiffs are also informed and  
7 believe that a Lunada Bay local named Joshua Berstein was taking pictures  
8 at the MLK 2014 paddle out. Plaintiffs are also informed and believe that  
9 Berstein told several people after he photographed them "know we know  
10 who you are."

11       The specific acts directed against Spencer include but are not limited  
12 to the following:

13       Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly  
14 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.  
15 They were told that they couldn't surf there, and Spencer was called a  
16 "kook," which is a derogatory surfing term. Spencer was also told: "why don't  
17 you fucking go home, you fucking kook" and asked "how many other good  
18 places did you pass to come here?" These are the same types of statements  
19 made by Defendant Sang Lee and others that can be observed on the video  
20 published by the Guardian.<sup>20</sup> These taunts started while Spencer and Taloa  
21 were on the bluffs getting ready to surf. One individual continued to heckle  
22 Spencer and Taloa on their way down to the beach and into the water.

23       Blakeman was already in the water and began paddling around  
24 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
25

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26       <sup>20</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

27  
28 (footnote continued)

1 There was no legitimate reason for this conduct. Spencer believes that this  
2 is a tactic used by the Bay Boys to harass people.<sup>21</sup> Blakeman impeded  
3 Spencer's movement in any direction and was intentionally blocking him  
4 from catching any waves. It was clear to Spencer that Blakeman was not  
5 there to surf that morning. Instead, his mission was to prevent Spencer and  
6 Taloa from surfing and to keep them from enjoying their time in the water,  
7 the open space, the waves, and nature. This the type of concerted effort was  
8 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
9 people from surfing at Lunada Bay. In the approximately 90 minutes that  
10 Spencer was in the water that day, Blakeman was focused on Spencer and  
11 Taloa and continued to shadow their movements, and sit uncomfortably  
12 close to them. Spencer had never experienced anything like that before in  
13 his life. It was bizarre but also incredibly frightening and disturbing. It  
14 appeared to Spencer that Blakeman was coordinating his actions with a  
15 group of guys who were standing in the Rock Fort, along with others in the  
16 water. They were all talking to each other and it was clear they all knew  
17 each other.

18 At one point while Spencer was in the water and was paddling west  
19 out to the ocean, he saw a man surfing, coming in east towards the shore.  
20 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
21 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
22 half-inch scar from where this man ran him over. As soon as the Bay Boy  
23 ran him over, he started berating Spencer, saying things like "what are you  
24 fucking doing out here? I told you to go home. I should have run you over.  
25

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26 <sup>21</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
27 message describing similar conduct: "We just had a kook out in the water  
28 and me and Jack just sat on his ass."

1 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
2 was pretending that he didn't see Spencer but it was obvious that he did and  
3 intentionally ran him over. With over 30 years of surfing experience, Spencer  
4 knew that this collision was intentional on his part. Fearful of being further  
5 injured at that point, and not wanting to get into an argument with him,  
6 Spencer just paddled away. Spencer and Taloa caught one more wave after  
7 that and then decided it was getting too dangerous to surf. More men started  
8 showing up at the Rock Fort and Spencer and Taloa were growing  
9 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
10 These incidents are described in the declarations filed with Plaintiffs motion  
11 for class certification and the deposition of Spencer.

12 Spencer further identifies the following individuals as having  
13 knowledge of concerted efforts by the Bay Boys, including Blakeman:

14 Christopher Taloa. As set forth above, Taloa and Spencer went surfing  
15 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
16 shadowing Spencer's movement in the water. Blakeman was in the water  
17 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
18 toward Taloa, at which point Taloa told him that he was too close.  
19 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
20 Taloa kept moving in the water, and Blakeman attempted to keep up with  
21 him but was not in good enough shape to do so.

22 Diana Milena Reed. As set forth in the Complaint, Reed was harassed  
23 by Blakeman and other Lunada Bay locals on multiple occasions. On  
24 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan  
25 Wright and harassed them. Blakeman was there filming the incident.<sup>22</sup> On  
26

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27 <sup>22</sup> Plaintiffs are informed and believe that there were text message sent on  
28 (footnote continued)

1 or about February 12, 2016, The Los Angeles Times published an article  
2 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal  
3 Commission says." Jordan Wright and Cory Spencer are quoted in the  
4 article. Mr. Wright and a few others had planned to surf Lunada Bay the  
5 following morning. Plaintiffs are informed and believe that Defendants  
6 Johnston and Blakeman learned that Jordan Wright and Diana Reed were  
7 going to Lunada Bay and planned to be there to harass them. On February  
8 12, 2016, Defendant Alan Johnston sent the following text messages to an  
9 unknown recipient: "No fucking way Taloa is back this year" and "If u really  
10 wanna be a bay boy we might meet help tomm." On February 13, 2016,  
11 Reed and Wright returned to Lunada Bay. After Reed and Wright had  
12 continued down the path, Blakeman and Defendant Alan Johnston rushed  
13 into the Rock Fort where Reed was taking photos; the assault appeared to  
14 be a coordinated and orchestrated and in retaliation for an article that  
15 appeared in the Los Angeles Times. Blakeman was filming Reed and had  
16 his camera close to her face. Reed asked why he was filming her, and  
17 Blakeman responded, "Because I feel like it," and Johnston responded,  
18 "Because you're hot." Charlie Ferrara was present during this incident, and  
19 observed the entire thing. Although Ferrara apologized later for their  
20 behavior, he appeared to be complicit in Blakeman and Johnston's actions.  
21 These incidents are described in the declarations filed with Plaintiffs motion  
22 for class certification and the deposition of Reed. Plaintiffs are informed and  
23 believe that after the incident Defendant Johnston started calling and/or  
24 texting other Lunada Bay locals to check for police to plan a getaway. At

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January 29, 2016 asking Defendant Papayans "Where are you? Kooks  
trying to get to the Bay." Plaintiffs are informed and believe that Papayans  
responded with a "LOL" and said he would be there.

1 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't  
2 see any cops at the top." Plaintiffs are informed and believe that later that  
3 day Johnston received a text from his mother asking him "What happened at  
4 the bay?" Johnston replied "Nothing happened really just couple of trolls  
5 they got nothing."

6 Jen Bell. The incident described above was witnessed by a woman  
7 named Jen Bell who had gone to Lunada Bay that same day to photograph  
8 a guy from Malibu. When she attempted sit down on the beach with her  
9 pack, a man said: "You are practically sitting in a men's locker-room. You  
10 don't make me feel comfortable". Bell continued to sit there for another 10  
11 minutes because she refused to be intimidated but eventually decided to head  
12 over to the fort because she saw another woman, Diana Reed, was taking  
13 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It  
14 was obvious from the start that Johnston and Blakeman were there with the  
15 intent to harass Reed. Johnston was making rude comments to both her and  
16 Reed. Blakeman was putting the GoPro in their faces. Johnston was  
17 chugging multiple beers and it was early in the morning. Johnston asked her  
18 to help him with his wetsuit. He said "Can you help me with this?" and  
19 handed her the leg of his wetsuit. Johnston made moaning sounds when  
20 she took it like he was having an orgasm.

21 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015  
22 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
23 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
24 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
25 foot-high wave and was up riding for several seconds. Alan Johnston  
26 paddled the wrong way on this wave, dropped in on him going the wrong  
27 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
28 while going the wrong way violates normal surf etiquette. Johnston then

1 collided with Wright, and their leashes got tangled. After they surfaced from  
2 the collision, Johnston then got close to Wright and yelled, "You had to  
3 fucking take that wave, didn't you!" The next wave that came through then  
4 broke Wrights leash plug and the board was carried into the rocks, which  
5 destroyed a new surfboard. Wright had to swim in over rocks to get his  
6 board and cut his hands on the rocks doing so. Wright is confident that  
7 Johnston attempted to purposefully injure him. What he did was extremely  
8 dangerous.

9 Wright has observed Blakeman on many occasions. Blakeman is easy  
10 to identify because he rides a kneeboard and he is regularly filming visitors  
11 on land with a camcorder. Wright believes his filming is an effort to intimidate  
12 visitors. In the water, Wright has observed what appears to be Blakeman  
13 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
14 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
15 the visitors, impede their movements, block their surfing, kick at them,  
16 splash water at them, and dangerously drop in on them. In addition to  
17 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
18 Charlie Ferrara, and David Mello engage in this activity. These incidents are  
19 described in the declarations filed with Plaintiffs motion for class certification.

20 Ken Claypool has been harassed and filmed by Blakeman in an  
21 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
22 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
23 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
24 water, including Blakeman who paddled over and threatened them. Claypool  
25 observed Blakeman intentionally dropped in on Wright at least twice.

26 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa  
27 and Jordan Wright. There was a photographer from the Los Angeles Times  
28 that was there. Also in attendance was Cory Spencer and Diana Reed.

1 Spencer was there to watch the cars. Blakeman was there filming in an  
2 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
3 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
4 are informed and believe that there was a text message sent that day to  
5 Papayans, Michael Theil and 11 other people stating that there were 5  
6 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
7 informed that the text states: "Things could get ugly. We all need to surf."  
8 These incidents are described in the declarations filed with Plaintiffs motion  
9 for class certification.

10 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf  
11 Lunada Bay in January 2015. There were about five locals in the water,  
12 including Blakeman who paddled over and was yelling "Try and catch a  
13 wave and see what happens. There is no fucking way you are getting a  
14 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
15 possessed or possibly on drugs. His behavior got more bizarre throughout  
16 the morning. He seemed to be paddling for every wave that he could  
17 physically push himself into, perhaps to make a point, but he was wiping out  
18 a lot and falling down the face and tumbling across the rock reef. Blakeman  
19 looked dangerous to himself. When Blakeman would actually catch a wave  
20 in, he would paddle back to where Claypool and his brother were sitting, and  
21 continue his insane rant. On one occasion, Blakeman came less than 12  
22 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
23 to put his fingers in his ear to protect them from being damaged. Claypool is  
24 a sound engineer and to put this in perspective, a rock concert creates about  
25 120 decibels of noise - this was louder; a jet engine creates about 150  
26 decibels. At one point Blakeman caught a wave and drew a line aiming right  
27 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
28 as he narrowly missed Claypool's head. Claypool watched as Blakeman

1 intentionally dropped in on Jordan at least twice. It seemed obvious to  
2 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
3 them were having fun. Because of the danger, they decided to leave.

4       When Claypool and his brother got out of water, they saw people  
5 gathering on top of the cliff. One person was videotaping them from the top  
6 of the cliff; it was clear to Claypool that he was doing this to try and  
7 intimidate them. The people were watching them from the cliff. It was  
8 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
9 obstruct his free passage and use in the customary manner of a public  
10 space. It also seemed clear that Blakeman engaged in a concerted effort  
11 with other Bay Boys to try and injure him. These incidents are described in  
12 the declarations filed with Plaintiffs motion for class certification.

13       Jason Gersch. While observing the surf, Gersch was approached by  
14 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
15 individuals made it known to Gersch that he could not surf there. These  
16 incidents are described in the declarations filed with Plaintiffs motion for  
17 class certification.

18       Plaintiffs are informed and believe and on that basis allege that  
19 Defendant Blakeman and his attorneys are attempting to intimidate  
20 witnesses in this case. On at least two occasions, an investigator hired by  
21 Blakeman's attorneys contacted witnesses they knew were represented by  
22 Plaintiffs' attorneys. The investigator also showed up at the home of a  
23 reporter that has not been listed as a witness.

24       The request is premature. Because Blakeman and the other  
25 defendants are refusing to comply with their obligations to produce  
26 documents under the federal rules and are impermissibly withholding  
27 evidence and/or possibly spoliating evidence, we are not able to fully  
28 respond to discovery requests which necessarily rely on our ability to fully

1 investigate the facts. As discovery is continuing, Spencer reserves the right  
2 to update this response.

3 **INTERROGATORY NO. 11:**

4 IDENTIFY ALL PERSONS that have knowledge of any facts that  
5 support plaintiffs' Seventh Cause of Action in the Complaint (Battery) against  
6 BRANT BLAKEMAN, and for each such PERSON identified state all facts  
7 you contend are within that PERSON's knowledge.

8 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

9 Responding Party objects to this interrogatory as premature. Because  
10 this interrogatory seeks or necessarily relies upon a contention, and  
11 because this matter is in its early stages and pretrial discovery has only just  
12 begun, Responding Party is unable to provide a complete response at this  
13 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
14 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific  
Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
16 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
17 interrogatory need not be answered until designated discovery is complete,  
18 or until a pretrial conference or some other time.").

19 Responding Party further objects to this interrogatory as unduly  
20 burdensome, harassing, and duplicative of information disclosed in  
21 Responding Party's Rule 26(a) disclosures and supplemental disclosures.  
22 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
23 and supplemental disclosures for the information sought by this  
24 interrogatory. Moreover, Responding Party had the opportunity to depose  
25 Mr. Spencer on this topic.

26 Responding Party further objects to this interrogatory as compound.  
27 This "interrogatory" contains multiple impermissible subparts, which  
28 Propounding Party has propounded to circumvent the numerical limitations

1 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

2        Responding Party further objects to this interrogatory on the grounds  
3 that it seeks information that is outside of Responding Party's knowledge.

4        Responding Party further objects to the extent that this interrogatory  
5 invades attorney-client privilege and/or violates the work product doctrine by  
6 compelling Responding Party to disclose privileged communications and/or  
7 litigation strategy.

8        Subject to and without waiver of the foregoing objections, Responding  
9 Party responds as follows:

10        In addition to each defendant named in his individual capacity and  
11 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,  
12 and the evidence submitted in support of Plaintiffs motion for class  
13 certification, Responding Party identifies the following individuals:

14        Cory Spencer: Spencer believes that Blakeman engaged in a  
15 concerted effort with other Bay Boys to obstruct his free passage and use in  
16 the customary manner of a public space. Spencer also believes that  
17 Blakeman coordinated with other Bay Boys to assault him while he was  
18 surfing. Spencer believes that the conduct directed at him and others trying  
19 to surf Lunada Bay is part of an agreement among Blakeman and the other  
20 Bay Boys, which at a minimum, may be implied by the conduct of the parties  
21 and other members of the Bay Boys. Spencer believes that the Bay Boys  
22 concerted efforts to stop the public from accessing the beach are  
23 documented in text messages and emails some of which have been  
24 destroyed or are being withheld by the Defendants in this case. For example  
25 on February 5, 2016, Charles Mowat sent a text message to Defendant  
26 Brant Blakeman, Tom Sullivan, David Yoakley, Andy Patch, Defendant  
27 Michael Papayans and several others that said "There are 5 kooks standing  
28 on the bluff taking pictures...I think that same Taloa guy. Things could get

1 ugly." A Los Angeles Times photographer captured a pictured of Defendant  
2 Blakeman of the bluff filming plaintiffs. Plaintiffs believe that the Bay Boys  
3 take photos and/or video tape people as a form of harassment and  
4 intimidation. For example, plaintiffs are also informed and believe that a  
5 Lunada Bay local named Joshua Berstein was taking pictures at the MLK  
6 2014 paddle out. Plaintiffs are also informed and believe that Berstein told  
7 several people after he photographed them "know we know who you are."

8 The specific acts directed against Spencer include but are not limited  
9 to the following:

10 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly  
11 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.  
12 They were told that they couldn't surf there, and Spencer was called a  
13 "kook," which is a derogatory surfing term. Spencer was also told: "why don't  
14 you fucking go home, you fucking kook" and asked "how many other good  
15 places did you pass to come here?" These are the same types of statements  
16 made by Defendant Sang Lee and others that can be observed on the video  
17 published by the Guardian.<sup>23</sup> These taunts started while Spencer and Taloa  
18 were on the bluffs getting ready to surf. One individual continued to heckle  
19 Spencer and Taloa on their way down to the beach and into the water.

20 Blakeman was already in the water and began paddling around  
21 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
22 There was no legitimate reason for this conduct. Spencer believes that this  
23 is a tactic used by the Bay Boys to harass people.<sup>24</sup> Blakeman impeded

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24  
25 <sup>23</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26  
27 <sup>24</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
28 message describing similar conduct: "We just had a kook out in the water  
(footnote continued)

1 Spencer's movement in any direction and was intentionally blocking him  
2 from catching any waves. It was clear to Spencer that Blakeman was not  
3 there to surf that morning. Instead, his mission was to prevent Spencer and  
4 Taloa from surfing and to keep them from enjoying their time in the water,  
5 the open space, the waves, and nature. This the type of concerted effort was  
6 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
7 people from surfing at Lunada Bay. In the approximately 90 minutes that  
8 Spencer was in the water that day, Blakeman was focused on Spencer and  
9 Taloa and continued to shadow their movements, and sit uncomfortably  
10 close to them. Spencer had never experienced anything like that before in  
11 his life. It was bizarre but also incredibly frightening and disturbing. It  
12 appeared to Spencer that Blakeman was coordinating his actions with a  
13 group of guys who were standing in the Rock Fort, along with others in the  
14 water. They were all talking to each other and it was clear they all knew  
15 each other.

16 At one point while Spencer was in the water and was paddling west  
17 out to the ocean, he saw a man surfing, coming in east towards the shore.  
18 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
19 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
20 half-inch scar from where this man ran him over. As soon as the Bay Boy  
21 ran him over, he started berating Spencer, saying things like "what are you  
22 fucking doing out here? I told you to go home. I should have run you over.  
23 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
24 was pretending that he didn't see Spencer but it was obvious that he did and  
25 intentionally ran him over. With over 30 years of surfing experience, Spencer  
26

27 \_\_\_\_\_  
28 and me and Jack just sat on his ass."

1 knew that this collision was intentional on his part. Fearful of being further  
2 injured at that point, and not wanting to get into an argument with him,  
3 Spencer just paddled away. Spencer and Taloa caught one more wave after  
4 that and then decided it was getting too dangerous to surf. More men started  
5 showing up at the Rock Fort and Spencer and Taloa were growing  
6 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
7 These incidents are described in the declarations filed with Plaintiffs motion  
8 for class certification and the deposition of Spencer.

9         Spencer further identifies the following individuals as having  
10 knowledge of concerted efforts by the Bay Boys, including Blakeman:

11             Christopher Taloa. As set forth above, Taloa and Spencer went surfing  
12 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
13 shadowing Spencer's movement in the water. Blakeman was in the water  
14 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
15 toward Taloa, at which point Taloa told him that he was too close.  
16 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
17 Taloa kept moving in the water, and Blakeman attempted to keep up with  
18 him but was not in good enough shape to do so.

19             Diana Milena Reed. As set forth in the Complaint, Reed was harassed  
20 by Blakeman and other Lunada Bay locals on multiple occasions. On  
21 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan  
22 Wright and harassed them. Blakeman was there filming the incident.<sup>25</sup> On  
23 or about February 12, 2016, The Los Angeles Times published an article  
24

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25 Plaintiffs are informed and believe that there were text message sent on  
January 29, 2016 asking Defendant Papayans "Where are you? Kooks  
trying to get to the Bay." Plaintiffs are informed and believe that Papayans  
responded with a "LOL" and said he would be there.

1 called “Bay Boys surfer gang cannot block access to upscale beach, Coastal  
2 Commission says.” Jordan Wright and Cory Spencer are quoted in the  
3 article. Mr. Wright and a few others had planned to surf Lunada Bay the  
4 following morning. Plaintiffs are informed and believe that Defendants  
5 Johnston and Blakeman learned that Jordan Wright and Diana Reed were  
6 going to Lunada Bay and planned to be there to harass them. On February  
7 12, 2016, Defendant Alan Johnston sent the following text messages to an  
8 unknown recipient: “No fucking way Taloa is back this year” and “If u really  
9 wanna be a bay boy we might meet help tomm.” On February 13, 2016,  
10 Reed and Wright returned to Lunada Bay. After Reed and Wright had  
11 continued down the path, Blakeman and Defendant Alan Johnston rushed  
12 into the Rock Fort where Reed was taking photos; the assault appeared to  
13 be a coordinated and orchestrated and in retaliation for an article that  
14 appeared in the Los Angeles Times. Blakeman was filming Reed and had  
15 his camera close to her face. Reed asked why he was filming her, and  
16 Blakeman responded, “Because I feel like it,” and Johnston responded,  
17 “Because you’re hot.” Charlie Ferrara was present during this incident, and  
18 observed the entire thing. Although Ferrara apologized later for their  
19 behavior, he appeared to be complicit in Blakeman and Johnston’s actions.  
20 These incidents are described in the declarations filed with Plaintiffs motion  
21 for class certification and the deposition of Reed. Plaintiffs are informed and  
22 believe that after the incident Defendant Johnston started calling and/or  
23 texting other Lunada Bay locals to check for police to plan a getaway. At  
24 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: “Don’t  
25 see any cops at the top.” Plaintiffs are informed and believe that later that  
26 day Johnston received a text from his mother asking him “What happened at  
27 the bay?” Johnston replied “Nothing happened really just couple of trolls  
28 they got nothing.”

1 Jen Bell. The incident described above was witnessed by a woman  
2 named Jen Bell who had gone to Lunada Bay that same day to photograph  
3 a guy from Malibu. When she attempted sit down on the beach with her  
4 pack, a man said: "You are practically sitting in a men's locker-room. You  
5 don't make me feel comfortable". Bell continued to sit there for another 10  
6 minutes because she refused to be intimated but eventually decided to head  
7 over to the fort because she saw another woman, Diana Reed, was taking  
8 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It  
9 was obvious from the start that Johnston and Blakeman were there with the  
10 intent to harass Reed. Johnston was making rude comments to both her and  
11 Reed. Blakeman was putting the GoPro in their faces. Johnston was  
12 chugging multiple beers and it was early in the morning. Johnston asked her  
13 to help him with his wetsuit. He said "Can you help me with this?" and  
14 handed her the leg of his wetsuit. Johnston made moaning sounds when  
15 she took it like he was having an orgasm.

16 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015  
17 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
18 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
19 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
20 foot-high wave and was up riding for several seconds. Alan Johnston  
21 paddled the wrong way on this wave, dropped in on him going the wrong  
22 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
23 while going the wrong way violates normal surf etiquette. Johnston then  
24 collided with Wright, and their leashes got tangled. After they surfaced from  
25 the collision, Johnston then got close to Wright and yelled, "You had to  
26 fucking take that wave, didn't you!" The next wave that came through then  
27 broke Wrights leash plug and the board was carried into the rocks, which  
28 destroyed a new surfboard. Wright had to swim in over rocks to get his

1 board and cut his hands on the rocks doing so. Wright is confident that  
2 Johnston attempted to purposefully injure him. What he did was extremely  
3 dangerous.

4 Wright has observed Blakeman on many occasions. Blakeman is easy  
5 to identify because he rides a kneeboard and he is regularly filming visitors  
6 on land with a camcorder. Wright believes his filming is an effort to intimidate  
7 visitors. In the water, Wright has observed what appears to be Blakeman  
8 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
9 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
10 the visitors, impede their movements, block their surfing, kick at  
11 them, splash water at them, and dangerously drop in on them. In addition to  
12 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
13 Charlie Ferrara, and David Mello engage in this activity. These incidents are  
14 described in the declarations filed with Plaintiffs motion for class certification.

15 Ken Claypool has been harassed and filmed by Blakeman in an  
16 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
17 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
18 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
19 water, including Blakeman who paddled over and threatened them. Claypool  
20 observed Blakeman intentionally dropped in on Wright at least twice.

21 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa  
22 and Jordan Wright. There was a photographer from the Los Angeles Times  
23 that was there. Also in attendance was Cory Spencer and Diana Reed.  
24 Spencer was there to watch the cars. Blakeman was there filming in an  
25 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
26 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
27 are informed and believe that there was a text message sent that day to  
28 Papayans, Michael Theil and 11 other people stating that there were 5

1 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
2 informed that the text states: "Things could get ugly. We all need to surf."  
3 These incidents are described in the declarations filed with Plaintiffs motion  
4 for class certification.

5 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf  
6 Lunada Bay in January 2015. There were about five locals in the water,  
7 including Blakeman who paddled over and was yelling "Try and catch a  
8 wave and see what happens. There is no fucking way you are getting a  
9 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
10 possessed or possibly on drugs. His behavior got more bizarre throughout  
11 the morning. He seemed to be paddling for every wave that he could  
12 physically push himself into, perhaps to make a point, but he was wiping out  
13 a lot and falling down the face and tumbling across the rock reef. Blakeman  
14 looked dangerous to himself. When Blakeman would actually catch a wave  
15 in, he would paddle back to where Claypool and his brother were sitting, and  
16 continue his insane rant. On one occasion, Blakeman came less than 12  
17 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
18 to put his fingers in his ear to protect them from being damaged. Claypool is  
19 a sound engineer and to put this in perspective, a rock concert creates about  
20 120 decibels of noise - this was louder; a jet engine creates about 150  
21 decibels. At one point Blakeman caught a wave and drew a line aiming right  
22 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
23 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
24 intentionally dropped in on Jordan at least twice. It seemed obvious to  
25 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
26 them were having fun. Because of the danger, they decided to leave.

27 When Claypool and his brother got out of water, they saw people  
28 gathering on top of the cliff. One person was videotaping them from the top

1 of the cliff; it was clear to Claypool that he was doing this to try and  
2 intimidate them. The people were watching them from the cliff. It was  
3 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
4 obstruct his free passage and use in the customary manner of a public  
5 space. It also seemed clear that Blakeman engaged in a concerted effort  
6 with other Bay Boys to try and injure him. These incidents are described in  
7 the declarations filed with Plaintiffs motion for class certification.

8 Jason Gersch. While observing the surf, Gersch was approached by  
9 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
10 individuals made it known to Gersch that he could not surf there. These  
11 incidents are described in the declarations filed with Plaintiffs motion for  
12 class certification.

13 Plaintiffs are informed and believe and on that basis allege that  
14 Defendant Blakeman and his attorneys are attempting to intimidate  
15 witnesses in this case. On at least two occasions, an investigator hired by  
16 Blakeman's attorneys contacted witnesses they knew were represented by  
17 Plaintiffs' attorneys. The investigator also showed up at the home of a  
18 reporter that has not been listed as a witness. The request is premature.  
19 Because Blakeman and the other defendants are refusing to comply with  
20 their obligations to produce documents under the federal rules and are  
21 impermissibly withholding evidence and/or possibly spoliating evidence, we  
22 are not able to fully respond to discovery requests which necessarily rely on  
23 our ability to fully investigate the facts. As discovery is continuing, Spencer  
24 reserves the right to update this response.

25 **INTERROGATORY NO. 12:**

26 IDENTIFY ALL PERSONS that have knowledge of any facts that  
27 support plaintiffs' Eight Cause of Action in the Complaint (Negligence)  
28 against BRANT BLAKEMAN, and for each such PERSON identified state all

1 facts you contend are within that PERSON's knowledge.

2 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:**

3        Responding Party objects to this interrogatory as premature. Because  
4 this interrogatory seeks or necessarily relies upon a contention, and  
5 because this matter is in its early stages and pretrial discovery has only just  
6 begun, Responding Party is unable to provide a complete response at this  
7 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
8 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
9 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
10 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
11 interrogatory need not be answered until designated discovery is complete,  
12 or until a pretrial conference or some other time.").

13        Responding Party further objects to this interrogatory as unduly  
14 burdensome, harassing, and duplicative of information disclosed in  
15 Responding Party's Rule 26(a) disclosures and supplemental disclosures.  
16 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
17 and supplemental disclosures for the information sought by this  
18 interrogatory. Moreover, Responding Party had the opportunity to depose  
19 Mr. Spencer on this topic.

20        Responding Party further objects to this interrogatory as compound.  
21 This "interrogatory" contains multiple impermissible subparts, which  
22 Propounding Party has propounded to circumvent the numerical limitations  
23 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

24        Responding Party further objects to this interrogatory on the grounds  
25 that it seeks information that is outside of Responding Party's knowledge.

26        Responding Party further objects to the extent that this interrogatory  
27 invades attorney-client privilege and/or violates the work product doctrine by  
28 compelling Responding Party to disclose privileged communications and/or

1 litigation strategy.

2 Subject to and without waiver of the foregoing objections, Responding  
3 Party responds as follows:

4 In addition to each defendant named in his individual capacity and  
5 other persons identified in Plaintiffs' initial and supplemental disclosures, and  
6 the evidence submitted in support of Plaintiffs motion for class certification,  
7 Responding Party identifies the following individuals:

8 Cory Spencer: Spencer believes that Blakeman engaged in a  
9 concerted effort with other Bay Boys to obstruct his free passage and use in  
10 the customary manner of a public space. Spencer also believes that  
11 Blakeman coordinated with other Bay Boys to assault Spencer while he was  
12 surfing. Spencer believes that the conduct directed at him others trying to  
13 surf Lunada Bay is part of an agreement among Blakeman and the other  
14 Bay Boys, which at a minimum, may be implied by the conduct of the parties  
15 and other members of the Bay Boys. Spencer believes that the Bay Boys  
16 concerted efforts to stop the public from accessing the beach are  
17 documented in text messages and emails some of which have been  
18 destroyed or are being withheld by the Defendants in this case. For  
19 example, on February 5, 2016, Charles Mowat sent a text message to  
20 Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy Patch,  
21 Defendant Michael Papayans and several others that said "There are 5  
22 kooks standing on the bluff taking pictures...I think that same Taloa guy.  
23 Things could get ugly.." A Los Angeles Times photographer captured a  
24 pictured of Defendant Blakeman of the bluff filming plaintiffs. As another  
25 example, there are emails from Sang Lee discussing the Bay Boys  
26 concerted efforts to stop the public from accessing the beach.

27 The specific acts directed against Spencer include but are not limited  
28 to the following:

1       Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly  
2 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.  
3 They were told that they couldn't surf there, and Spencer was called a  
4 "kook," which is a derogatory surfing term. Spencer was also told: "why don't  
5 you fucking go home, you fucking kook" and asked "how many other good  
6 places did you pass to come here?" These are the same types of statements  
7 made by Defendant Sang Lee and others that can be observed on the video  
8 published by the Guardian.<sup>26</sup> These taunts started while Spencer and Taloa  
9 were on the bluffs getting ready to surf. One individual continued to heckle  
10 Spencer and Taloa on their way down to the beach and into the water.

11       Blakeman was already in the water and began paddling around  
12 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
13 There was no legitimate reason for this conduct. Spencer believes that this  
14 is a tactic used by the Bay Boys to harass people.<sup>27</sup> Blakeman impeded  
15 Spencer's movement in any direction and was intentionally blocking him  
16 from catching any waves. It was clear to Spencer that Blakeman was not  
17 there to surf that morning. Instead, his mission was to prevent Spencer and  
18 Taloa from surfing and to keep them from enjoying their time in the water,  
19 the open space, the waves, and nature. This the type of concerted effort was  
20 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
21 people from surfing at Lunada Bay. In the approximately 90 minutes that  
22 Spencer was in the water that day, Blakeman was focused on Spencer and

23  
24  
25 <sup>26</sup><https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26  
27 <sup>27</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
28 message describing similar conduct: "We just had a kook out in the water  
and me and Jack just sat on his ass."

1 Taloa and continued to shadow their movements, and sit uncomfortably  
2 close to them. Spencer had never experienced anything like that before in  
3 his life. It was bizarre but also incredibly frightening and disturbing. It  
4 appeared to Spencer that Blakeman was coordinating his actions with a  
5 group of guys who were standing in the Rock Fort, along with others in the  
6 water. They were all talking to each other and it was clear they all knew  
7 each other.

8 At one point while Spencer was in the water and was paddling west  
9 out to the ocean, he saw a man surfing, coming in east towards the shore.  
10 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
11 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
12 half-inch scar from where this man ran him over. As soon as the Bay Boy  
13 ran him over, he started berating Spencer, saying things like "what are you  
14 fucking doing out here? I told you to go home. I should have run you over.  
15 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
16 was pretending that he didn't see Spencer but it was obvious that he did and  
17 intentionally ran him over. With over 30 years of surfing experience, Spencer  
18 knew that this collision was intentional on his part. Fearful of being further  
19 injured at that point, and not wanting to get into an argument with him,  
20 Spencer just paddled away. Spencer and Taloa caught one more wave after  
21 that and then decided it was getting too dangerous to surf. More men started  
22 showing up at the Rock Fort and Spencer and Taloa were growing  
23 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
24 These incidents are described in the declarations filed with Plaintiffs motion  
25 for class certification and the deposition of Spencer.

26 Spencer further identifies the following individuals as having  
27 knowledge of concerted efforts by the Bay Boys, including Blakeman:

28 Christopher Taloa. As set forth above, Taloa and Spencer went surfing

1 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
2 shadowing Spencer's movement in the water. Blakeman was in the water  
3 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
4 toward Taloa, at which point Taloa told him that he was too close.  
5 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
6 Taloa kept moving in the water, and Blakeman attempted to keep up with  
7 him but was not in good enough shape to do so.

8 Plaintiffs are also informed and believe that a Lunada Bay local named  
9 Joshua Berstein was taking pictures at the MLK 2014 paddle out. Plaintiffs  
10 are also informed and believe that Berstein told several people after he  
11 photographed them "know we know who you are." Plaintiffs are informed  
12 and believe that the Bay Boys use cameras to harass and intimidate people.  
13 These incidents are described in the declarations filed with Plaintiffs motion  
14 for class certification and the deposition of Taloa.

15 Diana Milena Reed. As set forth in the Complaint, Reed was harassed  
16 by Blakeman and other Lunada Bay locals on multiple occasions. On  
17 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan  
18 Wright and harassed them. Blakeman was there filming the incident.<sup>28</sup> On  
19 or about February 12, 2016, The Los Angeles Times published an article  
20 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal  
21 Commission says." Jordan Wright and Cory Spencer are quoted in the  
22 article. Mr. Wright and a few others had planned to surf Lunada Bay the  
23 following morning. Plaintiffs are informed and believe that Defendants  
24

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25  
26 <sup>28</sup> Plaintiffs are informed and believe that there were text message sent on  
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks  
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans  
responded with a "LOL" and said he would be there.

1 Johnston and Blakeman learned that Jordan Wright and Diana Reed were  
2 going to Lunada Bay and planned to be there to harass them. On February  
3 12, 2016, Defendant Alan Johnston sent the following text messages to an  
4 unknown recipient: "No fucking way Taloa is back this year" and "If u really  
5 wanna be a bay boy we might meet help tomm." On February 13, 2016,  
6 Reed and Wright returned to Lunada Bay. After Reed and Wright had  
7 continued down the path, Blakeman and Defendant Alan Johnston rushed  
8 into the Rock Fort where Reed was taking photos; the assault appeared to  
9 be a coordinated and orchestrated and in retaliation for an article that  
10 appeared in the Los Angeles Times. Blakeman was filming Reed and had  
11 his camera close to her face. Reed asked why he was filming her, and  
12 Blakeman responded, "Because I feel like it," and Johnston responded,  
13 "Because you're hot." Charlie Ferrara was present during this incident, and  
14 observed the entire thing. Although Ferrara apologized later for their  
15 behavior, he appeared to be complicit in Blakeman and Johnston's actions.  
16 These incidents are described in the declarations filed with Plaintiffs motion  
17 for class certification and the deposition of Reed. Plaintiffs are informed and  
18 believe that after the incident Defendant Johnston started calling and/or  
19 texting other Lunada Bay locals to check for police to plan a getaway. At  
20 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't  
21 see any cops at the top." Plaintiffs are informed and believe that later that  
22 day Johnston received a text from his mother asking him "What happened at  
23 the bay?" Johnston replied "Nothing happened really just couple of trolls  
24 they got nothing."

25 Jen Bell. The incident described above was witnessed by a woman  
26 named Jen Bell who had gone to Lunada Bay that same day to photograph  
27 a guy from Malibu. When she attempted sit down on the beach with her  
28 pack, a man said: "You are practically sitting in a men's locker-room. You

1 don't make me feel comfortable". Bell continued to sit there for another 10  
2 mins because she refused to be intimated but decided to head over to the  
3 fort because she saw another woman, Diana Reed, was taking photos. Bell  
4 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious  
5 from the start that Johnston and Blakeman were there with the intent to  
6 harass Reed. Johnston was making rude comments to both her and Reed.  
7 Blakeman was putting the GoPro in their faces. Johnston was chugging  
8 multiple beers and it was early in the morning. Johnston asked her to help  
9 him with his wetsuit. He said "Can you help me with this?" and handed her  
10 the leg of his wetsuit. Johnston made moaning sounds when she took it like  
11 he was having an orgasm.

12 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015  
13 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
14 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
15 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
16 foot-high wave and was up riding for several seconds. Alan Johnston  
17 paddled the wrong way on this wave, dropped in on him going the wrong  
18 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
19 while going the wrong way violates normal surf etiquette. Johnston then  
20 collided with Wright, and their leashes got tangled. After they surfaced from  
21 the collision, Johnston then got close to Wright and yelled, "You had to  
22 fucking take that wave, didn't you!" The next wave that came through then  
23 broke Wright's leash plug and the board was carried into the rocks, which  
24 destroyed a new surfboard. Wright had to swim in over rocks to get his  
25 board and cut his hands on the rocks doing so. Wright is confident that  
26 Johnston was attempted to purposefully injure him. What he did was  
27 extremely dangerous.

28 Wright has observed Blakeman on many occasions. Blakeman is easy

1 to identify because he rides a kneeboard and he is regularly filming visitors  
2 on land with a camcorder. Wright believes his filming is an effort to intimidate  
3 visitors. In the water, Wright has observed what appears to be Blakeman  
4 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
5 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
6 the visitors, impede their movements, block their surfing, kick at them,  
7 splash water at them, and dangerously drop in on them. In addition to  
8 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
9 Charlie Ferrara, and David Mello engage in this activity. These incidents are  
10 described in the declarations filed with Plaintiffs motion for class certification.

11       Ken Claypool has been harassed and filmed by Blakeman in an  
12 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
13 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
14 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
15 water, including Blakeman who paddled over and threatened them. Claypool  
16 observed Blakeman intentionally dropped in on Wright at least twice.

17       On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa  
18 and Jordan Wright. There was a photographer from the Los Angeles Times  
19 that was there. Also in attendance was Cory Spencer and Diana Reed.  
20 Spencer was there to watch the cars. Blakeman was there filming in an  
21 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
22 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
23 are informed and believe that there was a text message sent that day to  
24 Papayans, Michael Theil and 11 other people stating that there were 5  
25 kooks standing on the bluff taking pictures, including Taloa. The text states:  
26 "Things could get ugly. We all need to surf." These incidents are described  
27 in the declarations filed with Plaintiffs motion for class certification.

28       Chris Claypool, his brother Ken, and Jordan Wright attempted to surf

1 Lunada Bay in January 2015. There were about five locals in the water,  
2 including Blakeman who paddled over and was yelling "Try and catch a  
3 wave and see what happens. There is no fucking way you are getting a  
4 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
5 possessed or possibly on drugs. His behavior got more bizarre throughout  
6 the morning. He seemed to be paddling for every wave that he could  
7 physically push himself into, perhaps to make a point, but he was wiping out  
8 a lot and falling down the face and tumbling across the rock reef. Blakeman  
9 looked dangerous to himself. When Blakeman would actually catch a wave  
10 in, he would paddle back to where Claypool and his brother were sitting, and  
11 continue his insane rant. On one occasion, Blakeman came less than 12  
12 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
13 to put his fingers in his ear to protect them from being damaged. Claypool is  
14 a sound engineer and to put this in perspective, a rock concert creates about  
15 120 decibels of noise - this was louder; a jet engine creates about 150  
16 decibels. At one point Blakeman caught a wave and drew a line aiming right  
17 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
18 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
19 intentionally dropped in on Jordan at least twice. It seemed obvious to  
20 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
21 them were having fun. Because this was getting dangerous, they decided to  
22 leave.

23 When Claypool and his brother got out of water, they saw people  
24 gathering on top of the cliff. One person was videotaping them from the top  
25 of the cliff; it was clear to Claypool that he was doing this to try and  
26 intimidate them. The people were watching them from the cliff. It was  
27 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
28 obstruct his free passage and use in the customary manner of a public

1 space. It also seemed clear that Blakeman engaged in a concerted effort  
2 with other Bay Boys to try and injure him. These incidents are described in  
3 the declarations filed with Plaintiffs motion for class certification.

4 Jason Gersch. While observing the surf, Gersch was approached by  
5 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
6 individuals made it known to Gersch that he could not surf there. These  
7 incidents are described in the declarations filed with Plaintiffs motion for  
8 class certification.

9 Plaintiffs are informed and believe and on that basis allege that  
10 Defendant Blakeman and his attorneys are attempting to intimidate  
11 witnesses in this case. On at least two occasions, an investigator hired by  
12 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
13 attorneys. The investigator also showed up at the home of a reporter that  
14 has not been listed as a witness.

15 The request is premature. Because Blakeman and the other  
16 defendants are refusing to comply with their obligations to produce  
17 documents under the federal rules and are impermissibly withholding  
18 evidence and/or possibly spoliating evidence, we are not able to fully  
19 respond to discovery requests which necessarily rely on our ability to fully  
20 investigate the facts. As discovery is continuing, Spencer reserves the right  
21 to update this response.

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1 DATED: February 24, 2017

OTTEN LAW, PC

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By: /s/ Victor Otten

5 VICTOR OTTEN

6 KAVITA TEKCHANDANI

7 Attorneys for Plaintiffs

8 CORY SPENCER, DIANA MILENA  
REED, and COASTAL PROTECTION  
RANGERS, INC.

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1 **PROOF OF SERVICE**  
2 *Spencer, et al. v. Lunada Bay Boys, et al.*  
3 U.S.D.C. for the Central District of California  
4 Case No. 2:16-cv-02129-SJO (RAOx)

5 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

6 At the time of service, I was over 18 years of age and not a party to this  
7 action. I am employed in the County of Los Angeles, State of California. My  
8 business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA  
9 90505.

10 On February 24, 2017, I served the original or a true copy of the following  
11 document(s) described as:

12 **PLAINTIFF COREY SPENCER (FURTHER) SUPPLEMENTAL  
13 RESPONSES TO INTERROGATORIES, SET ONE PROPOUNDED BY  
14 DEFENDANT BLAKE BLAKEMAN**

15 on the interested parties in this action as follows:

16 **SEE ATTACHED SERVICE LIST**

17 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package  
18 addressed to the persons at the addresses listed in the Service List and  
19 placed the envelope for collection and mailing, following our ordinary  
20 business practices. I am readily familiar with Hanson Bridgett LLP's practice  
21 for collecting and processing correspondence for mailing. On the same day  
22 that correspondence is placed for collection and mailing, it is deposited in  
23 the ordinary course of business with the United States Postal Service, in a  
24 sealed envelope with postage fully prepaid.

25 I declare under penalty of perjury under the laws of the United States of  
26 America that the foregoing is true and correct and that I am employed in the  
27 office of a member of the bar of this Court at whose direction the service  
28 was made.

29 Executed on **February 24, 2017**, at Torrance, California.

30 */s/*Victor Otten  
31 Victor Otten

1 **SERVICE LIST**

2 ***Spencer, et al. v. Lunada Bay Boys, et al.***  
3 **U.S.D.C. for the Central District of California**  
4 **Case No. 2:16-cv-02129-SJO (RAOx)**

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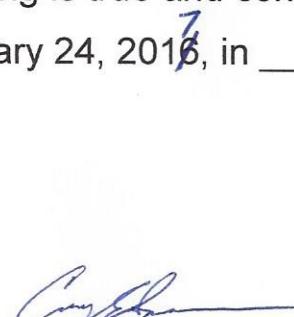
1 **VERIFICATION**

2 I, Cory Spencer, have read PLAINTIFF CORY SPENCER'S  
3 RESPONSE TO INTERROGATORIES, SET ONE, PROPOUNDED BY  
4 DEFENDANT BRANT BLAKEMAN and know its contents.

5 I am a party to this action and I make this verification for that reason. I  
6 am informed and believe and on that ground allege that the matters stated in  
7 the foregoing document are true.

8 I declare under penalty of perjury under the laws of the State of  
9 California that the foregoing is true and correct.

10 Executed on February 24, 2016, in TORRANCE,  
11 California.

12  
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14   
15 CORY SPENCER